The American Labor Legislation Review

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(Continued from preceding page.)

"When a Feller Needs a Friend"

The question of being **"Too Old at 45"** is worrying even the locomotive engineers. That the practise of "scrapping hale and hearty men, who have just reached the prime of life," is believed to be threatening the railway workers, is shown in the above cartoon, which appeared in the October issue of *The Locomotive Engineers' Journal.*

A Social Adventure Invites Your Cooperation

MORE than forty legislatures will be in session during the next three months.

Aside from the "duly elected" law makers there are numerous representative committees of public spirited citizens who specialize in particular branches of social legislation—accident compensation, child labor, maternity protection, the prevention of accidents and occupational diseases, are topics that are merely suggestive.

These voluntary organizations—constantly collecting information, persistently seeking out and adapting for local use the best practical experience anywhere in legislation and administration—render an important public service. Their aid is increasingly appreciated by official committees in Congress and at state capitols. In fact, it is no secret that many of the most carefully considered beneficial laws enacted during the past twenty years had their inception in, and in fact were actually drafted by, these social service agencies.

Where such organizations combine resources of technical training for constructive work with a freedom of public expression which does not falter in making hidden truths known in the interest of the general welfare, they are among our most valuable national assets.

Unhampered by political red tape, accustomed to pressing forward with a specific program, even though greeted at first with violent criticism and misrepresentation, they serve as vigilant sentinels ready not only to challenge anti-social practices but to arouse the social conscience of the time. **In a period when leading public officials look to commercial interests to solve our social problems, the persistent wakefulness of social welfare organizations is all the more needed.**

Legislatures in 1929 will not be unlike those of the past ten years. There will be the same complacent disregard of those who now need protection the most—the sick, the maimed, the unemployed, or the older human units worn out in making all of us more comfortable or "prosperous."

Put our immediate legislative program to the test. Ask yourself six questions. Will there be:

1. **Universal rock-dusting of mines to prevent catastrophes due to needless coal dust explosions?**
2. **Needed new legislation to prevent further exploitation of the unemployed by unscrupulous fee-charging employment agencies?**
3. **Accident compensation in the remaining five non-compensation states?**
4. **Compensation protection for ALL victims of occupational diseases?**
5. **Vocational retraining of the permanently disabled?**
6. **Universal provision for the "veterans of industry" now discarded in dependent old age?**

Necessary public action will be taken only if enlightened public sentiment directs attention to specific problems and organized groups insist upon action.

Through this Review an effort is made to supply helpful information. Through this Association opportunity is offered for united action.

Our twentieth annual summary of all the New Labor Laws (pp. 351-373) is an aid to intelligent legislative planning. In these twenty-three pages, Louise Gottschall of our staff, has effectively set out in convenient index and abstract form the latest information so that hundreds of hurried legislators and our thousands of members and subscribers may be saved long hours of weary search. Commenting on the timeliness and service of this feature of our work, a prominent citizen wrote: "We used to 'burn midnight oil' merely trying to find out what had already been done. Now we can plan more intelligently."

Our fact finding, publication and active legislative work goes steadily on in a field that grows constantly more complex. An outstanding need of our Association is an enlarged staff of qualified men and women capable of doing finished work in a responsible way. The completion of this eighteenth volume of our Review, at the close of the twenty-second year of our Association's work, is perhaps a fitting time to invite still greater cooperation in the social experimentation and the lively social adventure for which we are organized.

JOHN B. ANDREWS, Secretary,
American Association for Labor Legislation.

Legislative Notes

At the twenty-second annual meeting of the American Association for Labor Legislation, at the Stevens Hotel, Chicago, December 26-28, joint sessions will be held with the American Economic Association, the National Community Center Association, the American Statistical Association and the American Sociological Society.

◇

The National Child Labor Committee announces that the Twenty-second annual **Child Labor Day** will be observed on January 26 for synagogues, January 27 in churches and January 28 in schools and clubs.

◇

The Seventeenth **Annual Safety Congress** which met in New York from October 1 to 5, last, was attended by approximately 3,000 people interested in safety and accident prevention.

◇

Mr. Holtz, of the Labor Department, South Africa, and Bruno Krause, of Dresden, Germany, were among recent callers at the headquarters of the Association for Labor Legislation.

◇

The American Federation of Labor, at its convention in New Orleans, November 26, called for a Federation commission to investigate old age pensions, a national employment service, abolition of the federal rule fixing the deadline for employment at forty-five and a shorter work day and five-day week.

◇

Through the death of **Otto M. Eidlitz** of New York City, the cause of constructive labor legislation has lost a prominent supporter from the ranks of building employers. Mr. Eidlitz was president of the Mason Builders' Association of New York 1900-1904, and served the public on many occasions—in 1909 as a member of the Commission for Investigating Employers' Liability, Safety Appliances and the Cause and Effect of Unemployment in New York State, and in 1912 on the Board of Arbitration in the dispute between fifty-two railroads and the Brotherhood of Locomotive Engineers. He was for many years a valued member of the Advisory Council of the American Association for Labor Legislation.

On November 2, **William Hamlin Childs,** business man and philanthropist, died in New York City. Mr. Childs was chairman of the Bon Ami Company, director of many corporations, including the Congoleum Company, Inc., Crucible Steel Company of America, and Industrial Finance Corporation. For four years (1915-18) Mr. Childs was a Vice-president of the American Association for Labor Legislation.

◇

At the Wisconsin Conference of Social Work, held in October, William M. Leiserson reiterated that **unemployment** is the joint concern of management and the community, and that legislation toward this end is necessary.

◇

The enlistment of the League of Michigan Municipalities is being sought by the legislative committee of the Grand Rapids Safety Council to introduce a **compulsory automobile insurance bill.**

◇

The Amalgamated Clothing Workers of America recently opened a factory of their own at Milwaukee to provide employment for members on strike against the firm of David Adler and Sons. Eight hundred employees were locked out last April when they refused to sign "yellow dog" contracts.

◇

The Committee for the Study of Industrial Fatigue, of the American Public Health Association, has just published a twenty-seven page bibliography on **industrial fatigue** and allied subjects comprising chiefly material edited between January, 1921 and June, 1928.

◇

Ably assisting in the recent successful defense of the North Dakota **eight-hour law for women** was Fowler V. Harper, now of the Law School of the University of Oregon.

◇

"The **half day's labor** on Saturday spoils the day for production and consumption. It is uneconomical from both points of view."—*Clarence W. Barron.*

◇

In a recent decision by Circuit Judge Gustave Gehrig it was ruled that David Adler and Sons, clothing manufacturers of Milwaukee, must pay its locked out workers lost wages amounting to approximately $75,000. The decision was based on **violation of the contract** made by the Adler Company with the Amalgamated Clothing Workers, which expired May 1, 1927. The company locked out its employees on April 13 of that year.

◇

The Twelfth Annual Report of the National Industrial Conference Board refers to our present **lack of knowledge concerning employment** throughout the country. "The fact is," Magnus Alexander says, "that we have

no adequate statistics available in this country for even estimating unemployment with a fair degree of accuracy. As we have **no national unemployment insurance system** and its accompanying registration of persons out of work and seeking relief under the law, we lack even the data yielded by these social systems in European countries."

◇

THE Supreme Court of the United States has upheld the constitutionality of the **Longshoremen's and Harbor Workers' Compensation Act.** The court was petitioned to review the decision of the New York Court of Appeals upholding the act in the case of Chernik v. Clyde Steamship Company. By refusing to consider this appeal the highest court thus sustained the constitutionality of the act.

◇

ANOTHER case of **misrepresentation by fee-charging employment agents** has been brought up in North Carolina. An agency charged with having falsely declared before the board of City Commissioners that it handled only office help, thereby being taxed only $50 instead of the $250 annual license required for agencies handling all classes of workers, was ordered closed until the additional $200 license tax is paid.

◇

IN his report as general secretary of the Social Welfare League of Rochester, John Sanderson urged a realignment of work making it possible for the city, through funds raised by taxation, to **plan various forms of public work** whereby the service of able-bodied men unemployed should be utilized and wages given for this service, instead of charitable assistance in the form of grocery orders, rent, fuel and the like offered by private agencies.

◇

EDWIN E. WITTE, chief of the Wisconsin Reference Library, reviewing in *The New Republic* the National Industrial Conference Board's study of "Industrial Progress and Regulatory Legislation in New York State," made at the instance of the Associated Industries of New York State and presented to the New York Industrial Survey Commission, concludes, after showing many discrepancies in the report: "It (the report) should be exposed as being, not a disinterested research study, but **propaganda speciously disguised as research.**"

◇

INDICATION of the **awakening of labor in the south** is seen in the conference of all state federations of labor south of the Potomac and east of the Mississippi, at Chattanooga, October 21. Paul Ayman, of the Tennessee Federation, approving the call, said, "The question of uniform labor legislation is another matter which might well receive consideration. Such legislation as child labor and workmen's compensation * * * are problems which concern the workers of every state in the south."

"It is my firm conviction that our business leaders will soon link the **shorter day** with the higher wage as a cardinal principle of prosperity."—*William Green, President, American Federation of Labor Convention, New Orleans, November* 23, 1928.

◇

The bill to amend the **Louisiana Workmen's Compensation Act**—opposed by the Association for Labor Legislation—was withdrawn by Governor Long when it became apparent that agreement could not be reached on the proposed measure. Commenting editorially on this bill, the New Orleans *Times-Picayune* declared its provisions "imposed tremendous burdens and difficulties upon employers without insuring benefit or advantage to employees. In our belief, its effect in operation would have been to encourage litigation of the speculative damage-suit variety, increase the cost of that litigation to the employees who engaged in it—while delaying settlement and payment of their compensation claims."

◇

The United States Employees' Compensation Commission reports that during the year ending June 30, 1928, over $1,300,000 was paid injured workers under the new **federal Longshoremen's and Harbor Workers' Compensation Act.** It is estimated that the amount to be paid, including that already paid for injury and death cases arising in 1928, will approximate $2,600,000. There were nearly 32,000 injuries reported, of which 178 were fatal. More than 10,000 employers were enrolled under the Act on June 30 but the number has been considerably increased since that time.

◇

John E. Edgerton, president of the *National Association of Manufacturers* and Chairman of the National Industrial Council Advisory Committee, in a recent address delivered before a joint meeting of both organizations emphasized the necessity for maintaining a high level of employment. "* * * much destructive conflict could of course be avoided by voluntary curtailments of production in those trades most embarrassed by the surpluses. But there are probably too many swine in human flesh and too much short-sighted disregard among manufacturers as among farmers for their competitors' rights to expect voluntary relinquishment of temporary advantage for permanent gain or ethical consideration."

◇

As a result of the investigation carried on by the Industrial Survey Commission of New York State in regard to the **practices of private fee-charging employment agencies** in **New York City** a vast amount of information was brought to light. Results of earlier official investigations which have found abuses prevalent such as fee-splitting, sending of applicants to places where no jobs were available, refusal to return fees when no placement was made, sending of applicants to questionable places, were confirmed. The license fee in New York City is only $25

and there were 1203 agencies licensed in the city last year. Adequate inspection of these agencies by a small staff of inspectors from the municipal Department of Licenses could hardly be expected.

◇

ONE of the outstanding facts brought out in a recent study of the paper box industry, by the Bureau of Women in Industry of the New York State Department of Labor, is the extent to which **machine power is replacing man power** in this industry. For example, the number of workers in the paper box industry in New York City decreased 32 per cent. between 1914 and 1925, while the output per wage earner increased 121 per cent. The primary horse power per wage earner more than quadrupled during this same period indicating the extent to which this industry is using fewer men, but producing more goods.

◇

A REPRESENTATIVE of the American Association for Labor Legislation recently attended the joint convention of the National Employment Board and the Employment Agencies' Protective Association at Buffalo. It was pointed out to her that the attitude of the Association toward **fee-charging employment agencies** was the result of inadequate understanding and that a real knowledge of the facts would be gained at the Convention. However, strangely enough, only one meeting and two luncheon gatherings during the four-day convention were open for the enlightenment of the misinformed outsider!

◇

THE Children's Bureau of the United States Department of Labor, in a study of industrial **home work,** found that 1,131 children in New Jersey under 16 years of age were engaged as regular home workers in fifty different occupations.

◇

THE October issue of *The Locomotive Engineers' Journal* states that while the modern locomotive hauls from 120 to 150 cars of 50 to 70 tons capacity each **no more engineers are employed than 25 years ago.** A freight-handling machine perfected by the Boston and Maine Railroad which will handle 1,000,000 freight cars a year with no switchmen to ride the cars or throw the switches is also described; concentration of the business around Boston in this automatic yard, with a consequent drastic cut in the numbers employed, is anticipated.

◇

AT the recent convention in Atlanta the International Association of Machinists endorsed nation-wide state **unemployment insurance** based upon the provisions of the Huber bill, previously introduced in Wisconsin, and decided to try to have unemployment insurance bills introduced in all state legislatures and through the Canadian Trades and Labor Congress, in the Dominion. State insurance against old age was also advocated.

In an address before the International Association of Public Employment Services in September, Secretary of Labor Davis urged the adoption of the shorter work day and the shorter work week as **a means for combating unemployment** caused by modern machine technique. After describing instances of displacement Secretary Davis concluded that we are experiencing another industrial revolution.

◇

A fund for the study of the **dependent, unskilled, middle-aged woman** has been started by Julia Almira Kimball and the Exposition of Women's Arts and Industries of New York.

◇

Organized electrical workers, of Portland, Oregon, protest the city's rule that no electrical worker **over thirty-five** shall be employed as a line man, and declare that a man at that age has acquired efficiency and is in the prime of working life.

◇

The **"Program of Social Justice"** which the Central Conference of American Rabbis, adopted at Chicago, June, 1928, advocates unemployment insurance, nationally interlocking employment agencies, the formation of municipal, state and national sinking funds in periods of prosperity for the construction of public works in periods of depression; old age pensions, sickness and disability insurance, mothers' pensions, special protection of the worker from industrial dangers and disease, rehabilitation by the state of industrial cripples; and the reduction of hours to a maximum of eight a day, and five days a week, when consistently possible.

◇

The Women's Bureau of the United States Department of Labor has just completed a study (reported in Bulletin No. 65, not yet available) of the **effects of special legislation regulating the hours of employment of women** which reveals that legal limitations of women's hours has not brought about any degree of substitution of men for women. Investigation of five important woman-employing industries has shown that employers engage women for certain work because they want women for that work, and legal hour limitations do not prevent their doing so. Moreover, employers generally feel that women should not be employed at night work; of those employing men for longer hours than were legal for women, more than half declared that they would not employ women for such hours even did the law permit it. Instead of serving as a handicap, regulatory hour laws as applied to women engaged in manufacturing processes have been proven to regulate employment and establish the accepted standards of modern efficient industrial management.

◇

A letter recently printed in the *New York Times,* states: "I personally have talked to many of the Passaic factory women **night workers who are mothers.** To deprive them of their jobs would be an act for which

I would not care to be responsible. It would mean that from conditions of comfort their families would be forced into poverty terrible to contemplate, for the husbands of such women do not earn enough to maintain a home in comfort and educate the children." Is night work a remedy for that?

◇

THE Arizona Industrial Commission has already repaid $75,000 of a $90,000 loan advanced by the state to put the **workmen's compensation fund** in operation. The commission expects to pay the balance next year.

◇

THE Rhode Island State Democratic platform calls for the following amendments to the **workmen's compensation** law: "We favor amendments to our present law which will provide increased compensation in case of injury, machinery of administration outside of court procedure, and a state insurance fund to reduce the cost of workmen's compensation insurance to the employers."

◇

ENACTMENT of a state forty-eight hour law for women employed in cotton mills was the dominant demand of the **New Hampshire Federation of Labor Convention.** This means that with the recent adoption of similar resolutions by Rhode Island and Connecticut labor, all New England federations of labor have gone on record for a law based on the Massachusetts statute. The New Hampshire federation also seeks relief from judicial injunction tyranny and asks for a state fund to administer workmen's compensation, as is being done in Ohio.

◇

ATTORNEY GENERAL OTTINGER, calling attention to "the vicious practices of many of the **private employment agencies** operating in the state of New York and particularly in New York City," recently stated that "the licensing and supervision of employment agencies should be undertaken by an authority able to set up standards to which these agencies should conform and to protect the man and woman seeking work * * *. The only satisfaction or redress the unfortunate applicant can now obtain is to go to the City License Department with a complaint, which may or may not result in affirmative action."

◇

IT is now officially estimated that approximately 120,000 private employees in the **District of Columbia** are protected by the new workmen's compensation law passed by the last session of Congress. Two months' statistics indicate that about 1,200 injuries occur monthly.

THE constitutionality of that section of the Arizona workmen's compensation act which provides for the payment of $850 into the state **rehabilitation fund** when an employee who is killed leaves no dependents has been upheld by the Arizona Supreme Court in the case of Home Accident Insurance Company v. Industrial Commission.

Because churches, fraternal orders and clubs in the District of Columbia are required to accept the provisions of the **new workmen's compensation law,** the Rhode Island Avenue Citizen's Association, of Washington, has issued a protest against the application of the act in such cases!

◇

Labor interests in Missouri are complaining about the tactics employed by many insurance companies under the workmen's compensation law. Secretary Patterson of the State Federation of Labor says that amendments will be sought at the next session of the legislature and that the proposal for **state fund insurance** will be revived.

◇

The rapid progress of industrialization in the South calls for **improved legislation in southern states.** Referring to this situation, Henry R. Seager, a vice-president of the American Association for Labor Legislation, says in the Washington Herald of October 10, "No student of the labor problem can doubt that the growing sense of social solidarity which results from bringing individualistic country populations together in factory towns will in time take the form of aggressive trade unions and of political pressure to secure higher standards in the protective labor laws that all of the southern states have begun to enact."

◇

"The accident problem in construction work is increasing at the present time," said James A. Hamilton, New York State Industrial Commissioner, at a recent meeting of the New York Building Congress. "Employment has been increasing in the construction industries and it has been decreasing in the manufacturing industries. Fatalities have been increasing in construction work faster than employment; and they have been decreasing in manufacturing faster than employment has decreased. In cooperation between all parties concerned lies the road to **industrial safety.** A sound, well informed public opinion should demand that in the interests of society as a whole industrial accidents and occupational diseases should be reduced as rapidly as scientific investigation shows to be possible."

◇

"Industry must recognize that the individual worker's production capacity, his satisfaction or dissatisfaction with the job, and even his freedom from or susceptibility to accidents in the factory are definitely related to **sickness** in the home, to the delinquency of children, to misunderstanding between husband and wife, and to a host of other disturbing influences in family life," declared David C. Adie, Director of the Charity Organization Society of Buffalo in an address October 5 before **The Conference on Family Life in America To-day.** "Is it too much to expect," he asked, "that the day will arrive when these factors will be considered in the plant just as definitely as the production quota?"

Railway Employees' Accident Compensation

By Cornelius Cochrane

SEAMEN, and railroad employees in interstate commerce, are the two great classes of workers remaining without the protection of workmen's compensation. If injured they are entitled to sue for damages under the terms of the United States Employers' Liability Act, provided the accident was caused in whole or in part by the negligence of the employer.[1]

A recent investigation of accidents to seamen has indicated that these workers would be better off on the average if they were included within the provisions of the Longshoremen's Compensation Act.[2] The Seamen's Union, however, has for several years maintained the position that the seamen do not want compensation.

What about railway workers?

The question of workmen's compensation for interstate commerce employees last received consideration in 1925 when the longshoremen's bill was being prepared for introduction in Congress. The fact that these and other harbor workers are scattered throughout the country thus necessitating comprehensive national administration, immediately suggested the feasibility of including within that measure, railway employees.[3] Such a proposal was submitted to the Railway Labor Executives in January, 1926, by representatives of the American Association for Labor Legislation and the International Longshoremen's Association. The subject, however, was referred back to the various railroad labor organizations for further consideration.

Two of the "Big Four" Brotherhoods have for years opposed workmen's compensation. The Trainmen have been unqualifiedly antagonistic to the principle although Dan Cease, a representative

[1] In the five states of Arkansas, Florida, Mississippi, North and South Carolina, which have not yet enacted state workmen's compensation laws, wage earners are likewise subject to the now discredited damage suit system.

[2] See "Can Workmen's Compensation Benefit Seamen?" *American Labor Legislation Review,* Vol. XVIII, No. 3, September, 1928, pp. 268-269.

[3] See "Complete the Circle of Compensation," by John B. Andrews, *American Labor Legislation Review,* Vol. XV., No. 4, December, 1925, pp. 285-288.

of that organization who carefully investigated the problem in 1912 in behalf of the railroad men, strongly favored it. The Conductors, according to a resolution adopted several years ago, would not endorse a compensation law applying to them unless the injured employee were given the option to elect after the injury either to accept compensation or to sue for damages under the federal liability act.

The Locomotive Engineers and the Firemen and Enginemen have endorsed workmen's compensation and many other railway labor organizations including for example the Railroad Telegraphers, the Signalmen and the Railway and Steamship Clerks likewise favor the principle.

Now comes the report of a special committee on workmen's compensation to the 31st Convention of the Brotherhood of Locomotive Firemen and Enginemen held at San Francisco in June and July, 1928. This report recommends "That our International President and our International Representative have introduced, and work for, a national compensation law to govern men in interstate commerce."

The report continues:

"Through adverse decisions of the courts, the present Federal Employers' Liability Act has been emasculated and it now affords relatively little relief to our injured members. While it is true that in comparatively few individual instances rather large sums are recovered as a result of verdicts secured through the courts, the fact remains that in a vast number of cases no relief is afforded through this medium. There are a number of reasons why our members are unable to take advantage of the present law in this respect, among them being (1) lack of funds with which to carry on the required litigation; (2) fear of loss of position if court action is taken, etc. The situation as a whole seems to point to the necessity for a law that will more adequately and effectively take care of injured employees.

"We respectfully recommend that the International President be authorized to take this matter up with the Railway Labor Executives' Association for the purpose of determining the advisability of securing a Federal Compensation Law applicable to men in interstate commerce, and for the further purpose of jointly instituting a movement, along with other interested organizations, for the purpose of securing a National Compensation Law that will effectively and adequately protect our injured members in interstate commerce."

In accordance with this recommendation the subject was brought up for discussion at a meeting of the chief executives of the railway labor organizations early in August, 1928. At this conference

the Executive Committee was directed to have a proper study made of the question of a federal compensation act and to report its findings and recommendations to the Railway Labor Executives' Association at a future meeting.

A federal compensation law covering railway employees in interstate commerce would affect approximately 1,820,000 workers. According to the most recent report[4] of the Interstate Commerce Commission, there were 88,223 railway employees injured and 1,569 killed during the year 1927. It has been estimated that 82% of railway accidents occur in interstate commerce.

In 1912, a special Congressional commission after two years investigation of the problem reported voluminously in favor of a federal workmen's compensation law for interstate commerce employees. Legislation to carry the commission's recommendation into effect passed the Senate in May, 1912. Two months later the House passed the bill with amendments which were not accepted by the Senate.

During the sixteen years that have elapsed, thirty additional states and three territories have discarded the system of employers' liability suits for damages and Congress has enacted three workmen's compensation laws for three separate groups of workers within its jurisdiction.

The question of federal compensation legislation for interstate commerce employees is now squarely up to the Railway Labor Executives' Association which controls the policy of twenty-one standard railway organizations.[5] The situation calls for a frank re-examination of the problem in the light of recent compensation experience. A full report, with specific recommendations promptly and decisively made, is devoutly to be wished.

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[4] Accident Bulletin No. 96, Interstate Commerce Commission, Bureau of Statistics.

[5] Including in addition to the Railway Brotherhoods, organizations affiliated with the Railway Employees' Department of the American Federation of Labor.

Proper Attitude of the State in Accident Prevention Work

By Voyta Wrabetz
Member, Wisconsin Industrial Commission

(Editor's Note: The author points out that workmen's compensation laws, with all their advantages, still leave the workmen with their injuries. The State should be actively engaged in positive and constructive work to prevent these injuries. The law should specifically impose on industry its primary obligation of safety. The administering body should then attempt to "sell" the idea of safety, and act in an advisory rather than a dictatorial spirit.)

MODERN industry presents management on the one hand, with its primary interest in large production and its accountability to the stockholders for profits, and, on the other, the workers who have become more or less a part of the big system used in production. Employer and employee are no longer neighbors and their interests are no longer identical. To accomplish its end, industry to be profitable has made necessary the use of large numbers of workers in one building, and of huge and rapidly moving machinery. These factors in turn have created hazards which have resulted in many injuries with their resultant losses in earning power, suffering, and anguish.

It is well recognized that this condition, which modern industry has produced, must be carried by industry as a cost of production. Such cost of production is then in turn borne by the public, the consumer which constitutes the state. Upon this hypothesis, what should be the proper attitude of the state in accident prevention work?

The state is interested in the development and maintenance of a high standard of life. Its ideals are assured only when its citizens are strong, virile, independent and self-respecting. **The state must not as its right but as its duty do that which is necessary to build the strength and wealth of its largest class, the workers.** It cannot by indifference permit itself or its institutions to be jeopardized by poverty, devitalized labor and the economic waste of man-power which are the result of industrial

accidents. To accomplish these aims and purposes, **a state department of labor has a real job before it.**

Compensation laws, in a measure, soften the results of injury, but the most important field in which a state, or its agency, the labor department, can engage is in the promotion of industrial safety. I use the term promotion of safety rather than accident prevention because it conveys the idea that **the state should be actively engaged in positive and constructive work.**

First of all, and as a base from which to operate, the state must declare by law that all places of employment shall be reasonably safe and require that an employer shall not permit or allow dangerous practices. The primary obligation as to safety should be upon industry. Upon this declaration of principle, **the administering body should act as much as possible in a helpful and advisory capacity. Its purpose should be not that of a police officer having in view prosecution for a violation of a law, but rather that of a salesman selling the idea that compliance with the law promotes safety and avoids the harrowing results of an injury.**

In carrying out this policy, the work of the department should be inspectional. There are two kinds of investigation, which should be made; first, general inspections of places of employment, and second, special investigations of particular accidents.

In general inspection work it is very essential that it be done thoroughly and cover the entire state. If the work is not thorough, that is, if not all violations of law are discovered, it follows that some dangerous points have been overlooked and perhaps the employer lulled into a false sense of security. An incomplete inspection is worse than none, because it leaves a cause of injury uncorrected, gives the opportunity to shift the responsibility for making places and practices safe, and if an accident occurs, furnishes an alibi to the employer who is apt to assert volubly that the inspector should have discovered the dangerous condition.

This kind of work should likewise be state-wide and apply to all industries to avoid a charge of discrimination. **The intent of safety regulation is to set up minimum standards for all and to raise the level of competition so that the "good employer" is not subjected to the cut-throat competition of the unscrupulous.** All employers in a given field should be required to comply with the law and to correct like dangerous conditions.

To do less in any case gives the competitors just cause for complaint.

General inspections should be made periodically and written reports made to point out to the employer those conditions which are dangerous and which do not comply with regulations. In making such inspections, the state official should insist that a competent person representing the management accompany him. After the inspection is completed, the items enumerated should, if possible, be discussed with the management. A copy of the report should, of course, be left with the employer.

Proper completion of such inspection necessitates a follow-up, conveying to the management the idea that the department is interested in getting the conditions remedied.

The second type of inspectional work is the investigation of all accidents, particularly serious ones, with a view of avoiding similar accidents in the future. It is much easier, after one of his employees has been hurt, to convince an employer that machines and practices should be changed. Personal experience is always more eloquent than impersonal knowledge gained from other sources as to particular causes of accidents, and therefore the occurrence of an accident furnishes the opportunity to deliver a master stroke in the promotion of safety even though as one contemplates the results of injuries it seems like a rather sad commentary on human relationships to think one must wait sometimes to "lock the barn after the horse is stolen."

Of course, from a practical standpoint, all accidents cannot be individually investigated, but reports of accidents can be analyzed as to causes and a letter written making inquiry as to what steps have been taken to prevent similar accidents. Furthermore, it is desirable that the field representatives be advised of such matters. Recently in the reports received in one day, fourteen were sent in by a tie-treating plant, nearly all indicating injuries to feet due to the dropping of ties because of their slippery condition. It was found that no inspection had been made of this plant and therefore a list was sent to the field representative. He was well received and steps were taken immediately, trying out several methods which should prove helpful.

While the primary obligation to provide safe places to work and to avoid unsafe practices is with the employer, he frequently is required to give so much attention to production that he is not

able to get the same viewpoint as an outsider as to how certain accidents can be avoided. In such cases as well as when "safety is a stranger" there will be no great difficulty in having recommendations carried out if the inspector "knows his stuff." The responsibility for the proper promotion of safety, for selling the idea, must be placed squarely on the shoulders of the inspector. By acquainting himself in his district, both as to conditions and persons, by personal visits to plants with proper words of advice and compliment when and as deserved, he can build up a spirit of confidence so that employers will invite advice and counsel.

It is well recognized that a very important phase in the promotion of safety is educational. In this field the state can and should play a leading role. It can maintain an information service so that employers may have the advantage of expert assistance in remedying unsafe conditions and practices. Perhaps a state that has done most along this line is New Jersey, under the leadership of Dr. Andrew F. McBride. This state maintains a wonderful and elaborate safety museum wherein are shown the latest practical devices for guarding machinery and parts and also the proper means of avoiding and preventing dangerous conditions. Here is a practical demonstration to employers of how things can be done to make work safe. Such work is really constructive. It develops a better attitude on the part of the employer by showing that the state is more interested in helping him solve his problems than in merely detecting violations of law.

As important as discovering unsafe conditions and practices, is the bringing home to employers, and to employees as well, a knowledge of what constitutes unsafe conditions and practices and a development in their conduct, particularly as it relates to co-workers, of a safety consciousness. Judging from the sudden and great increase in accidents since 1920, it would seem that the most important factor in safety is psychological rather than mechanical or technological. In other words, accidents are due to carelessness and thoughtlessness of persons manifested chiefly in the way they do their work rather than in the way machines are constructed and guarded. An analysis of the accident experience in Wisconsin, or any other state, discloses the fact that only 15 to 20% of all accidents are machine accidents, as compared to the 80 to 85% caused by falling objects, slipping, stumbling, being hit by flying or falling

objects, and the like. Many, if not all such accidents, can be avoided, but only by mental alertness on the job and a knowledge of how to work safely.

A very effective means to attain this end is the promotion of regional safety conferences. These conferences can be held in those localities where the employers themselves are willing to get behind the movement and actually put it across. In Wisconsin we have found it desirable to give such conferences regional names as Fox River Valley Conference, Wisconsin River Valley Conference, Rock River Valley Conference, rather than the name of a city. Cities conveniently located are grouped with a view of bringing together employers and employees known to eah other and who therefore are more apt to exchange experiences freely and take to heart the information they receive.

It is probably better to hold one-day conferences so that men will not be away from home overnight and will lose not more than one day from the plant. At the first meeting, a single program is most desirable. In the Fox River Valley, where the fourth annual conference will shortly be held, four sectional programs will be held in the forenoon simultaneously, namely wood working, metal trades, paper and pulp, and public utilities. At each of these, problems will be presented pertaining to their own particular industry. In the afternoon and evening, the program will be general and of interest to all. Such conference may be made self-supporting by charging a registration fee.

Such conferences are valuable in themselves, but our experience has been that they serve as a means to a greater end and that is that they are usually followed by foremen's safety schools. These schools are usually sponsored by various local organizations and are aimed to bring together the key men in various plants one evening a week for from 7 to 10 weeks. So successful have these conferences and schools become that employers in other localities have requested and urged similar organizations for themselves.

To be effective, whatever is done by a state department must be predicated upon an existing body of safety laws or orders. In Wisconsin the department is charged not only with administering safety laws, but also with formulating safety regulations. The legislature has established the general standard requiring all places of employment and all practices to be safe and has placed the responsibility upon the department of defining within such rule what

is and what is not a safe place or a safe practice. Within this power various regulations have been adopted and are known as safety orders and are collected into various codes.

In the process of developing these codes the department must of necessity give recognition to the interests affected and therefore advisory committees are organized consisting of representatives of employers, labor and the public, and are also made to include experts. After careful study, investigation and agreement, such codes are recommended to the department in the form of regulations and are usually adopted. Such orders then have the full force and effect of law. The advantage of such a system is that regulations are adopted upon expert advice and may readily be changed to meet changing conditions and new methods and processes. A committee so organized is better equipped to get at the facts and truth as to conditions and remedies than is a legislature and of course is not apt to be biased by political expediency.

When a state department is fortunate enough to be charged with the administration of the workmen's compensation act as well as with safety regulations, it can do much more effective work in the promotion of safety. This is true because it has available all the experience which comes from compensation cases. Such experience not only furnishes a wealth of information as to the causes of accidents, but also gives a strategic opportunity to do effective safety work. The accident is an object lesson and with proper investigation the lesson may be brought home more thoroughly.

Two features of law are effective in the promotion of safety. First, when an accident occurs because of a violation of a safety order the employer is required to pay 15% increased compensation, which obligation he cannot insure, and conversely, if an employee is injured because of his wilful failure to use a safety device furnished by his employer, compensation is reduced. Second, the employer is given credit in his compensation premiums for the record in his own plants. By these two provisions of law, for purely selfish reasons, the employer and employee both are urged to comply.

While on the subject of the benefit to be derived from the study of accident reports submitted by employers under the workmen's compensation act, attention should be called to the excellent work being done by the Federal Bureau of Labor Statistics in this field. The bureau has not only standardized these reports so that they are

comparable one year with another and one state with another, but is now collecting information on man-hours of exposure to accidents. As we all know, the number of accidents occurring in an industry is significant chiefly when related to the number of men exposed to such accidents. For the last three years the bureau of labor statistics has called upon a number of the state departments of labor and has taken off from the accident reports of employers necessary data, and has then gone to the same employers and secured the number of man-hours worked during the period of time in which these accidents occurred. Inasmuch as they are taking the larger employers, a very considerable sample is being secured from each state, so that reasonably accurate conclusions may be reached as to accident rates. The state departments of labor should lend every possible assistance to the Federal Bureau of Labor Statistics.

In conclusion, it is necessary to add that after all **a state department can do only that which under a wise expenditure of money its budget permits it to do.** The attitude of the state, however, should be that **sufficient funds should be appropriated** to make possible these efforts by way of investigation, inspection, study of safe processes and practices, demonstration and education. This will ultimately produce a safety rule and a safety consciousness that will reduce accidents to a minimum, that will save to the state a strong, virile citizenship unhampered by deformities, that will save millions of dollars and will assure to workers and to their families life and happiness, rather than the pain, suffering, and anguish that come as the result of avoidable accidents. But in all its work the state must recognize and maintain the principle that the primary obligation to make places of employment safe is upon industry.

Constitutionality of North Dakota Eight Hour Law Is Upheld

AN important decision on the eight-hour law of North Dakota has been recently handed down by the State Supreme Court.[1]

In upholding the law, the court cited the case of Muller *v.* Oregon.[2]

[1] State of North Dakota v. Ed. Ehr, Manager of Waverly Cafe, Supreme Court of North Dakota.

[2] 208 U. S. 412.

Labor Legislation of 1928

1. Analysis by Subjects and by States

THE labor laws enacted by the nine states and two insular possessions which held regular sessions, and those that held special sessions, and by Alabama, Arizona, Florida, Georgia, Texas and Vermont whose 1927 session law volumes were not available for review last year, together with the labor laws enacted by the Seventieth Congress, first session, are herewith summarized in alphabetical order by subjects and by states, with chapter references to the session law volumes. (Complete session law volumes are not yet available for the Philippines, and for Mississippi, Arkansas, California, North Dakota and Wisconsin in special session, but official communications state that in the four states last mentioned no labor legislation was enacted.)

Miscellaneous Legislation

Louisiana.—Police juries may make necessary regulations to provide for the support of the poor and necessituous within their respective parishes. (Act 234.)

Massachusetts.—A special commission composed of the state secretary, the commissioner of corporations and taxation and the director of accounts is established to investigate and make a survey of fees charged for licenses and permits, and to consider the advisability of their revision. The commission must report to the general court before December 1, 1928. An appropriation of $2,000 is authorized. (C. 30.)

Vermont.—Congress is requested to submit a constitutional amendment to the several states providing that members of Congress take their seats within a short time after their election. (J. R. 223, Laws of 1927.)

Individual Bargaining

1. PAYMENT OF WAGES

Louisiana.—The payment of $300 or less in consideration for any sale, assignment or order for the payment of wages earned or to be earned is deemed a loan and accordingly regulated. (Act 92.) One-half of all employees' wages under $250 per month is made exempt from seizure or garnishment; not less than $75 per month, and wages of farm laborers and domestic servants, are entirely exempted; courts of competent jurisdiction have jurisdiction over said cases. (Act 115.) For retention of money collected from employees for physicians' fees, see p. 366.

Massachusetts.—Addition to law states that annual salaries of teachers and supervisors must be for service for the number of weeks between September 1 and June 30 that schools are in session. The amount of said salaries earned and unpaid at the time of resignation, retirement, death, or entry on leave of

absence, after February 1, 1927, must be paid to persons entitled thereto. (C. 183.)

New Jersey.—Penalty for failure to pay wages every two weeks in lawful money changed to $50 for the first offense and $100 for each subsequent offense. District courts, justices of the peace, and police magistrates are empowered to have jurisdiction over cases of violation. Time limit for prosecution is removed. Any person, firm or corporation having a paid-up cash capital of $200,000 is exempted. (C. 150.)

New York.—Amendment to the banking law deems the payment of $300 or less for any sale, assignment or order for the payment or delivery of wages earned or to be earned, a loan and subject to the existing limitation of six per cent interest. (C. 365.)

Virginia.—Any assignment, sale, transfer, pledge or mortgage on wages to the extent of $50 per month due a workman who is a householder or head of a family, is void and unenforceable by any process of law. (C. 81.)

2. MECHANICS' LIENS AND WAGE PREFERENCE

Florida.—Amendment to law states that all liens for labor performed shall be enforceable by persons in privity with the owner, as provided. (C. 12079, Laws of 1927.)

Louisiana.—Claims of laborers for wages may be assigned in writing to any person for the purpose of collection. (Act 47.) Laborers are given a lien on wells and attached machinery and appliances which they are engaged in operating; their right to provisionally seize such property under specified conditions is granted; said liens shall prime subsequent mortgages or liens. (Act 171.) Laborers on buildings, streets, railroads, ditches and similar works and those employed in drilling and operating oil or gas wells, if engaged by the proprietor or his agent, have a first privilege upon such works. (Act 172.)

Mississippi.—Laborers having claims for mechanics' lien are entitled, after first notifying the owner, to file with the chancery clerk written evidences of such claim. (C. 136.)

New Jersey.—Provision is made for the appointment of a joint commission to revise the present mechanics' lien law and report necessary legislative enactments to the coming session of the legislature. (J. R. 10.)

New York.—Liens for labor furnished for a public improvement may be continued for one year, instead of six months, after the expiration of three months following the filing of a notice of said lien. (C. 236.)

South Carolina.—A lien of bleachers and others to secure charges for work, labor and materials is provided for. (No. 600.)

Texas.—Amendment to law regulating firms contracting with the state on public works specifies that labor liens must be sworn to by the owner or his authorized agent and filed with the contractor or the county clerk within thirty days from the date that said claim became payable. (C. 39, Laws of 1927.)

Virginia.—Mechanics' lien law relating to payment of wages to employees of transportation, mining and manufacturing companies is amended to permit claimants to file a memorandum with the receiver, trustee, or assignee of the

company against which the claim lies, as well as in other specified offices. (C. 253.)

3. MISCELLANEOUS

Mississippi.—Any person knowing that a laborer has contracted with another person for a specified time is forbidden to employ, without the employer's consent, said laborer before the expiration of his contract. (C. 292.)

Collective Bargaining

1. TRADE UNIONS

Louisiana.—Labor unions and assemblies may amend their charters or articles of incorporation as provided. (Act 156.)

Minimum Wage

1. PUBLIC WORK

United States.—An extra compensation of 10 per cent of hourly pay must be given for any work done between 6 P. M. and 6 A. M. in the postal service. (Public 496, 70th Congress, 1st session.) Salaries for certain civilian positions within the District of Columbia and in field services are raised. (Public 555, 70th Congress, 1st session.) Salaries of employees in the customs service are classified. (Public 575, 70th Congress, 1st session.)

Hours

1. MAXIMUM HOURS

(1) Public Work

New Jersey.—Except in cases of emergency, uniformed members of paid police departments in any municipality of over 20,000 inhabitants shall not be employed for more than six days a week. (C. 223.)

(2) Private Employment

Louisiana.—Any municipality allowing the operation of filling stations within a zoned area may not regulate the hour of closing said business. (Act 275.)

New York.—Duly licensed pharmacists over sixteen years of age are exempted from hour regulations for women. (C. 567.)

Rhode Island.—Amendment to law permits police commissioners and city councils of certain cities to authorize orchestral entertainments, instructive lectures and approved moving pictures on Sundays, after 3 P. M. Certain vaudeville performances are excepted. (C. 1154 and C. 1160.) Night work for children under sixteen prohibited after 7 P. M. instead of after 8 P. M. (C. 1222.) Children under sixteen are forbidden to work in any industrial establishment more than forty-eight hours a week, or more than nine hours a day, instead of fifty-four hours a week and ten hours a day. (C. 1231.)

Employment

1. PRIVATE EMPLOYMENT OFFICES

Georgia.—An annual tax for each county of $50 upon all employment agencies and $1,000 upon all emigrant agents may be levied, conditioned that in the latter case said agent must give an approved bond to the commissioner of labor and industries before taking any person out of the state (Act 398, Laws of 1927.)

Louisiana.—Any person or firm who solicits, hires, employs, or contracts with laborers of any kind, or who contracts for the employment or placement of clerks, salesmen, or help, or charges or accepts a fee or sum to register applicants seeking employment, to place or assign workers, is deemed a labor agent or employment bureau. Labor agents or employment bureaus transacting all business in a regular town or city office and only hiring or soliciting by written, telegraphic or telephonic communication will be taxed $25 annually; all others are taxed $500 annually. Labor agents or employment bureaus must furnish the commissioner of labor and industrial statistics a well secured $5,000 bond, to be filed in the latter's office, and must pay all damages incurred as labor agents or employment bureaus; anyone injured or damaged may sue on said bond to recover damages. The commissioner of labor is authorized to supervise the business of labor agents and employment bureaus. For violation of act fine is $100 to $500 or imprisonment from ten to ninety days or both. A person or firm operating a free employment bureau for the sole purpose of employing help for his or its business, and men or women engaged as labor recruiters and solely compensated by their employers to furnish the same with help, are exempted. (Act 135.)

New Jersey.—Important amendments to the law regulating private employment agencies are as follows: the furnishing of food, supplies, tools or shelter to laborers in connection with the promise or offer to provide employment or help, regardless of where such offer is made or such help obtained, violates this act. Persons violating provisions requiring procurement of license and regulating agencies' advertisements will be fined, as already provided, or imprisoned for not over a year, or both. Applicants for licenses to carry on an agency, in addition to existing requirements including proof of good moral character, must furnish proof of citizenship of the United States. If after due investigation it appears that existing public and private agencies are adequate licenses may be withheld, or revoked, as already provided, if premises are not suitable. A schedule of fees must be posted conspicuously in the office of every agency. The commissioner of labor may designate inspectors to make the already required bi-monthly visits to every agency. The procedure for prosecuting violations is changed. Penalty for certain violations is lowered to $25 or less. If any portion of the act or amendments are declared unconstitutional, the remainder is not affected thereby. (C. 283.)

2. PUBLIC WORK

Arizona.—All labor on state work in which no federal funds are involved must be done by citizens of the state who have resided in the state for not less than one year. (C. 2, Laws of 1927.)

Louisiana.—Law amended so that on all public works only mechanics who are bona fide citizens and duly qualified voters may be engaged, except under certain conditions. (Act 116.)

3. MISCELLANEOUS

Porto Rico.—The commissioner of agriculture and labor is directed to investigate and report to the 1929 legislature the means of adapting the Florida and North Carolina system of developing tobacco to Porto Rico, in order to combat unemployment. Appropriation, $5,000. (J. R. 55.)

Rhode Island.—Amendment to the law for the care of certain children includes in the definition of "dependent" children those under eighteen unable to support themselves by lawful employment, and without a lawful guardian or parent able to provide for them; "neglected" children includes those under eighteen engaged in a dangerous occupation. (C. 1226.)

United States.—The secretary of labor is directed to investigate, compute, and report to the senate the extent of unemployment, and also the method whereby frequent periodic reports and permanent statistics of unemployment may be made. (S. Res. 147, 70th Congress, 1st session.) The senate committee on education and labor is directed to investigate the causes and relief of unemployment. A report of findings and necessary recommendations for legislation is required by February 15, 1929. Appropriation, $15,000. (S. Res. 219, 70th Congress, 1st session.)

Safety and Health

1. PROHIBITION

(1) Exclusion of Persons

New Jersey—Completion by children of six yearly grades, instead of five, is necessary in order to receive age and schooling certificates. (C. 276.)

New York.—Important changes in the child labor law include the following provisions: children under fourteen are forbidden to work in any trade, business or occupation carried on for pecuniary gain, excepting children over sixteen on farms, and minors twelve to sixteen engaged in outdoor work for their parents when school is not in session. Employment of a minor twelve to seventeen is forbidden unless his employment certificate or vacation work permit is kept on file in the employer's office. (C. 725.) Section of education law is revised. Boys under twelve, girls under eighteen and boys from twelve to seventeen years of age may not engage in a street trade unless a street trades badge has been issued to them. Boys are forbidden to engage in a street trade between 7 P. M. and 6 A M. (C. 646.) For repeal of law creating child labor commission, see p. 367.

Rhode Island.—Boys under twelve and girls under sixteen are forbidden to engage in street trades in cities of over forty thousand, instead of over seventy thousand, inhabitants. (C. 1223.) For prohibition of night labor for children, see p. 353.

United States.—The main provisions of a detailed law for the District of Columbia include the exclusion of children under fourteen from gainful occupation, the limitation of hours of minors under eighteen to eight a day or forty-eight a week, and six days a week, the prohibition of girls under eighteen and boys under sixteen from work between 7 P. M. and 7 A. M. and boys between sixteen and eighteen from work between 10 P. M. and 6 A. M. Minors under sixteen must not work in any place or employment prejudicial to their health or welfare, or at machinery operated by power other than hand or foot, or wipe, oil, or clean machinery, operate elevators, work in quarries, tunnels or excavations, or places where tobacco is stored, manufactured or prepared; girls under eighteen must not work in any retail cigar store, hotel or apartment house or as usher, attendant or ticket seller in any place of amusement, or engage in messenger service. Messenger service between 12 P. M. and 5 A. M. for boys eighteen to twenty-one and between 7 P. M. and 6 A. M. for girls eighteen to twenty-one is forbidden. The issuance of work or vacation permits is regulated and duties of employers receiving same are specified. The hours of children engaged in newspaper stuffing and the issuance and wearing of badges by children engaged in street trades are regulated. Fines and imprisonment for violation are specified. Agricultural and domestic service if performed outside of school hours for parents or guardians are exempted. The District board of education and the department of school attendance and work permits under said board must enforce the act. (Public 618, 70th Congress, 1st session.)

2. REGULATION

(1) Factories, Workshops, and Mercantile Establishments

Kentucky.—All emery wheels, polishing and grinding machinery must have specified type of suction or exhaust systems. The department of labor must supervise and enforce the provisions of this act. Fine for the first violation is $25 to $200, and $100 to $500 for each subsequent offense. (C. 124.)

New York.—Definition of "fireproof partition" is amended to include cinder, concrete block and tile, and to make all kinds enumerated subject to the approval of the department of labor. (C. 726.)

Porto Rico.—Law requiring owners of factories whose employees exceed fifty and whose machinery is power-driven to provide dispensaries, is extended to dock owners, and to factories, plants and docks inside the urban zone; said buildings must have an emergency room for accidents; the minor surgeon or nurse employed must be on hand during work hours. (No. 16.)

Rhode Island.—Amendment to the boiler-inspection law defines "authorized-inspector" as a boiler-inspector employed by an insurance company to whom a permit is issued, as provided. For inspection of each boiler of three horse power and over, owners must pay $5, for each boiler of less horse power, $2.50. Authorized-inspectors inspecting for insurance companies must report inspections to the boiler-inspector, and if a boiler conforms with the code of rules, owners must pay the inspector $1 and said inspector will issue to the owner a certificate authorizing the boiler's operation. (C. 1197.) The United States department of commerce is urged to promulgate more stringent rules and regulations for boiler inspection. (Res. No. 28.)

(2) Mines

Kentucky.—Law is repealed and re-enacted. Only competent engineers may be in charge of engines used for lowering employees into or hoisting employees out of coal mines. Only persons designated by the operator may interfere with any part of the machinery. Each person riding on a cage or car must have three square feet of floor space and all persons are forbidden to ride on a loaded cage or car. (C. 166.)

United States.—The senate committee on interstate commerce is directed to investigate conditions in the coal fields of central and western Pennslyvania, West Virginia, and Ohio, especially in regard to injunctions issued, eviction of miners and families from their homes, and abrogation of wage contracts. (S. Res. 105, 70th Congress, 1st session.)

Social Insurance

1. INDUSTRIAL ACCIDENT INSURANCE

(1) Employers' Liability

Kentucky.—The parents of a minor child are entitled to its services and earnings and may sue when an injury wrongfully or negligently inflicted occasions loss of such child's wages or services. Provisions of this law are not to affect the workmen's compensation and industrial accident acts. (C. 152.)

United States.—For actions for death or injury in national parks, see p. 361.

(2) Workmen's Compensation

a. New Acts

Philippines.—Workmen's compensation act is enacted. The law covers public and private employees with the customary exemptions. A public employee with an annual income of over 800 pesos and a private employee earning more than 42 pesos per week are not included. Employments with a gross annual income of less than 40,000 pesos are excluded but are governed by the provisions of Act 1874. No compensation is payable in case of voluntary intent to injure, intoxication or notorious negligence. Occupational diseases are covered. Provision is made for all necessary medical care. Compensation for total disability: 60 per cent of wages, payments to date after seven days disability, not to exceed 18 pesos per week, with a limit of 208 weeks and 3,000 pesos; for partial disability: 50 per cent of the loss in wage-earning capacity, payments to date with the first day's disability, not to exceed 10 pesos per week with a limit of 208 weeks and 3,000 pesos; in case of loss of member, 50 per cent of wages for specific periods, the total amount not to exceed 3,000 pesos; for death, burial expenses not to exceed 100 pesos, and compensation equal to from 45 per cent to 60 per cent of the weekly wage, depending on the number of dependents, and not to exceed 208 weeks or 3,000 pesos. Lump sum payments are permitted. Notice of injury must be given as soon as possible and claim must be filed within two months after injury or three months after death. Compensation agreements between parties must

be acknowledged and witnessed by certain designated officials including the director of the bureau of labor. In case of disagreement, the bureau of labor may act as referee or the case may be taken directly to court. Insurance is optional. Employers are required to keep a record of all injuries and to notify the bureau of labor of any injury causing more than one day's absence from work. Final notice must also be given by the employer within sixty days after the termination of the disability of the injured employee. (Act 3428, Laws of 1927.)

United States.—The provisions of the longshoremen's and harbor workers' compensation act shall apply to all private employees in the District of Columbia excluding seamen, railway employees in interstate commerce and employees in agriculture, domestic service and casual employments. Important provisions include a seven-day waiting period, all necessary medical care, the compensation of all occupational diseases, a two-thirds wage scale, a $25 weekly maximum with a limit of $7,500 on total amount. The act is administered by the United States employees' compensation commission. (Public 419, 70th Congress, 1st session.) For summary of longshoremen's act (Public 803, 69th Congress, 2nd session) see *American Labor Legislation Review,* Vol. XVII, No. 4, December, 1927, pp. 319, 320. The total appropriation for the United States employees' compensation commission including the employees' compensation fund for the payment of compensation to federal employees, $3,675,000. (Public 400, 70th Congress, 1st session.)

b. *Acts Supplementary to Existing Laws*

Louisiana.—Provision in respect to hernia is eliminated. Compensation payments in case of death specifically limited to 300 weeks. (Act 242.)

Massachusetts.—The schedule for loss of members is made more specific and the amount of compensation for certain members is increased. (C. 356.) The separate act (C. 32 of the General Laws) providing for the payment of compensation to policemen killed in the performance of duty is extended to include firemen. The annuity is increased if dependent children survive. (C. 402.)

New Jersey.—The weekly maximum compensation is raised from $17 to $20 and the minimum from $8 to $10. The number of weeks for which compensation is payable for the loss of a thumb, a first finger, a hand or an arm is increased. (C. 135.) Certain compromises in cases of minors must be approved by the workmen's compensation bureau instead of the court of common pleas. (C. 225.) Representatives for certain incompetent persons entitled to compensation may be appointed. (C. 136.) The employer is required to furnish artificial limbs or appliances in certain cases. (C. 149.) Provision in respect to attorneys' fees is modified. (C. 224.) Municipalities and fire districts are authorized to provide compensation insurance for volunteer firemen. (C. 163.)

New York.—Compulsory coverage is extended to all employments in which there are engaged four or more workmen even though not carried on for pecuniary gain. (C. 755.) Occupational disease is made compensable when due to "direct contact with" the poisonous substances enumerated and the

period in which notice must be given is extended from thirty to ninety days. Amputation of arm or leg above the wrist or ankle is compensated proportionately to loss of arm or leg. Changes of referee in successive hearings on a claim is forbidden except for good cause when the board may designate another referee. The board is empowered to increase or decrease rate of award from date of injury, any excess in case of decrease to be deducted from future payments. Any party may apply to the board within twenty days for review of referee's decision but the board is empowered to penalize for frivolous appeals. The board by unanimous vote may extend the time in which to file a claim to two years. Certain minor accidents are required to be reported only when the commissioner directs. Method of determining average annual earnings is broadened. (C. 754.) The appearance before the industrial board of representatives of claimants (C. 749) and representatives of self-insurers (C. 584) is regulated and restricted. The state fund is empowered to insure employers under the federal longshoremen's act. (C. 750.) It is made a misdemeanor for any physician or surgeon in the employ of the department of labor to treat a compensation claimant. Employer must furnish medical treatment within five days otherwise claimant may secure same at employer's expense. (C. 752.) Carriers are permitted to examine statement of administrative expenses before assessment. (C. 753.)

Porto Rico.—Law is repealed and re-enacted. The act is compulsory and applies to all employees, children included, except domestic servants and casual workers; employees of the government and municipalities, except clerks, are also covered. All necessary medical care and a seven-day waiting period are provided. Compensation for temporary disability: fifty per cent of wages subject to a weekly maximum of $15 for not longer than 104 weeks; for permanent partial disability: additional compensation according to specified schedules not to exceed $2,000; for total disability: compensation of $1,000 as a minimum and $3,000 as a maximum; for death: compensation of from $1,000 to $3,000 to be equitably distributed among dependent relatives. Occupational disease is compensated according to a limited schedule. No compensation is payable: if worker attempts to commit a crime or to injure another person or to voluntarily injure himself; if intoxication is the cause of the accident; if the injury is caused by the criminal act of a third person; if the recklessness of the worker is the sole cause of the injury. The injured workman is required to submit to medical examination and treatment during disability, refusal by the employee to deprive him of the right of compensation. The act is administered by an industrial commission of three members created in the department of agriculture and labor. The salaries and expenses of the commission are paid out of the regular funds in the treasury. Agreements are permitted but are enforcible only when approved by the commission. If no agreement can be reached, either party may notify the commission and the case is assigned for hearing before a commissioner from whose decision either party may petition within fifteen days for review by the full commission. Appeal to the district court from a decision of the commission (commissioner) must be made within ten days. The decision of the district court is final. If the commission delays decision for over one month without justifiable cause,

either party may petition the court for an order directing the commission to decide the case, or the court may assume jurisdiction after the commission has been given reasonable opportunity to make final disposition. Attorneys' and physicians' fees are subject to approval by the commission. Every employer shall keep accident records if prescribed by the commission. Accident reports are to be filed within five days. The commission is empowered to make necessary rules and regulations, carry on accident prevention work and collect accident statistics. Employers are required to insure with the state fund (workmen's relief trust fund), or any authorized private company or mutual association or they may, upon proof and security of financial responsibility, become self-insurers with the approval of the superintendent of insurance, the office of which is created in the department of finance. Insurance rates are subject to the approval of the superintendent of insurance. If the employer of an injured employee has failed to insure, the commission shall determine the amount of compensation, which shall be assessed on the employer together with expenses or the employee may sue for damages, the amount of compensation if paid or secured to be credited on the judgment; in addition such employer is liable to fine or imprisonment or both. When the employer insures as provided, compensation is the exclusive remedy except that in case of an illegal act or gross negligence on the part of the employer, the injured workman may waive his right to compensation and sue for damages. The superintendent of insurance is granted control over the state fund and the treasurer of Porto Rico, who is made custodian, is directed to collect the premiums. A tax of 3 per cent of the amount of premiums received is levied on each insurance carrier and is paid into the insular treasury. Whenever the proceeds of said tax exceed the amount appropriated for the expenses of the industrial commission, such excess shall be covered into the state fund. The amounts existing in the workmen's relief trust fund created by the earlier act of 1916 (which is repealed) are reappropriated and paid into the fund created by this act. (No. 85.) A liquidating board of five members to be known as the liquidating board of the present workmen's relief commission is created and $25,000 is appropriated to carry out the work of liquidation. (No. 84.) The Porto Rico mutual insurance association is created for the purpose of insuring employers under the workmen's accident compensation act. A board of fifteen directors is appointed by the governor to inaugurate the association. They shall serve for one year or until their successors are elected by vote of the subscribers. Any employer is eligible to become a subscriber. No policy may be issued until at least 100 employers employing not less than 10,000 employees have subscribed. The superintendent of insurance shall grant a license to the association to issue policies only after investigation. A surplus is to be created to meet the catastrophe hazard. Provision is made for accident prevention and rules and regulations to affect all members. The superintendent of insurance is granted certain supervisory powers over the association. The board of directors may incur such expenses as shall be approved by the governor and such expenses shall be advanced by the treasurer of Porto Rico, not to exceed $15,000. (No. 86.)

Rhode Island.—The commissioner of labor is empowered to decide the merits of a controversial case in the first instance, instead of the superior court. Appeal from the decision of the commissioner may be taken within five days to the superior court which hears the case de novo. (C. 1207.)

Texas.—Certain injuries are conclusively presumed to cause total permanent disability. (C. 28, Laws of 1927.) The seven day waiting period is made retroactive after four weeks. (C. 60, Laws of 1927.) The provision in respect to notice on appeal is modified. (C. 223, Laws of 1927.) The act regulating motor bus transportation specifically requires the owner or operator to take out workmen's compensation insurance. (C. 270, Laws of 1927.)

Vermont.—Pecuniary liability of employer for hospital services is increased. (No. 99, Laws of 1927.) Employees of the state department of highways are specifically covered. The sum of $15,000 is annually appropriated to be paid from the highway department appropriations. (No. 98, Laws of 1927.) The provision in respect to hearing before the commissioner is amended. (No. 100, Laws of 1927.)

Virginia.—Commission's control over attorneys' and physicians' fees is clarified. Requirements for accident and other reports by employer are strengthened. (C. 19.) Review by the full commission of a decision of one commissioner is required before an appeal may be taken to the court. (C. 227.) Control over insurance carriers and rates is extended with authority vested in the state corporation commission instead of the insurance commissioner. (C. 445.)

United States.—In any court proceedings under the longshoremen's and harbor workers' compensation act, the United States district attorney in the judicial district in which the case is pending is required to appear as attorney for the commission or its deputy. (Public 349, 70th Congress, 1st session.) Any action for death or injury sustained within a national park or other place subject to the exclusive jurisdiction of the United States within the exterior boundaries of any state, shall be governed by the laws of that state. (Public 11, 70th Congress, 1st session.)

c. Vocational Rehabilitation

Alabama.—The state board of education must maintain a bureau of information to aid in the rehabilitation of blind persons whose training is not otherwise provided for. An annual appropriation of $7,500 is authorized. (Act 615, Laws of 1927.)

Louisiana.—A state board for the blind is created, to act as a bureau of information and industrial aid, to provide vocational training and establish workshops. $75,000 is appropriated for the fiscal year ending June 30, 1929, and $7,500 for the year ending June 30, 1930. (Act 101.)

Mississippi.—A state commission for the blind is created to aid those whose training is not otherwise provided for in finding employment and marketing their products; the commission must report annually to the legislature. (C. 149.)

New Jersey.—"Physically handicapped" person redefined as anyone incapacitated for education, as well as for remunerative occupation, and includes

any person, instead of only those over sixteen years of age. The commissioner of the department of institutions and agencies, instead of the commission of charities and correction, and five other members, instead of three, are to serve on the state rehabilitation commission; of the two additional members, one must be a woman with a specialized knowledge of the problem of crippled children. (C. 34.)

Vermont.—The department of public welfare may act as a bureau of information and industrial aid for the blind. (No. 37, Laws of 1927.)

d. Commissions

Kentucky.—A commission of six is created to investigate the present workmen's compensation act and to report its findings and recommendations to the 1930 general assembly. Members are to receive expenses but otherwise to serve without pay. (C. 596.)

2. OLD AGE PENSIONS

Alabama.—In cities of 170,000 inhabitants or more there is created a board of trustees of the firemen's pension and relief fund, to be composed of five members who have exclusive control over said fund and may adopt and enforce necessary rules and regulations, hear and finally decide all applications for pensions or relief. Important provisions state that: city treasurers are to be custodians of all moneys belonging to the fund; the fund is to include one per cent of members' monthly salaries; the board must report annually to the board of city commissioners; for permanent total disability members will receive, for not over one year, two-thirds of monthly salaries; members who have served for ten or more consecutive years, or who have been permanently disabled, or who are fifty-five and have served for twenty years, the last five of which are consecutive, or who have served for twenty-five years the last five of which are consecutive, may be retired upon the designated monthly per cent of their pay; widows, or widowed mothers, or children under sixteen shall upon due application be paid according to the graduated scale; $14 weekly for not more than twelve weeks may be paid to members who are sick in bed and under a physician's care; members who have served for fifteen consecutive years and are discharged are entitled to $15 to $30 per week, as provided. (Act 223, Laws of 1927.) In cities of from 50,000 to 150,000 inhabitants, in regularly organized and paid departments, excepting police and fire departments, a municipal employees' pension and relief funds is created. Important provisions state that: funds will include one per cent of members' monthly salaries; city boards of commissioners will hear and finally decide applications for pensions and relief; members will receive 50 per cent of monthly salaries, not to exceed $100, during temporary total disability, or for retirement after permanent disability, after twenty consecutive years of service, or after twenty-five years of service, the last ten years of which have been consecutive, and attainment of fifty-five years of age; to carry out above provisions city governing bodies may create a board of five residents, as provided. (Act 365, Laws of 1927.) In cities of over 100,000 inhabitants the board of education or school board may make reasonable rules and regulations for the retirement of teachers who have served thirty years, fifteen of

which have been in such city. Applications for retirement must be made to above boards. Pensions must not exceed one-half of the annual salary at time of retirement. (Act 493, Laws of 1927.) In counties of from 85,000 to 250,000 inhabitants county courts must impose a tax of fifty cents as costs in all state criminal cases, to be paid into the municipal employees' pension and relief fund of the largest city in said county. (Act 364, Laws of 1927.)

Florida.—State officials or employees who have served for forty-five or more years and are sixty-five or over may retire on one-half the annual or monthly salary received prior to retirement. (C. 12293, Laws of 1927.)

Georgia.—In cities of more than 150,000 inhabitants certain officials who have served for twenty-five years may be retired on one-half of the salary received at time of retirement, if they have contributed two per cent of their salaries monthly to the pension fund. City governing authorities must see that some standing committee has charge of said pensions. (Act 207, Laws of 1927.) In counties of more than 200,000 inhabitants funds for employees' relief and pensions may be established. Retirement is conditional upon twenty-five years of service, or application upon permanent disability. Retired members, and widows, children or dependents of deceased members, will receive monthly one-half of the salary received at retirement. A board of trustees to manage the fund is created. Members must contribute two per cent of monthly salaries, but widows, minor children, or dependents of deceased employees who have served twenty-five years and have not taken a pension may receive said employee's pension. (Act 218, Laws of 1927.) In cities of more than 150,000 inhabitants funds for employees' pensions are established, for retirement of employees who have served for twenty-five years on one-half of the salary received at time of retirement. City boards of trustees are created to administer the act. Two per cent of employees' wages may be deducted for the fund; employees objecting to said deduction forfeit right to pension. (Act 318, Laws of 1927.)

Illinois.—Tax in cities of from 5,000 to 20,000 inhabitants for police pension fund is lowered and excluded from limitation of rate for general corporate purposes. (S. B. 8, Special Session.) Levy of tax in cities of over 200,000 inhabitants for policemen's annuity and benefit fund is regulated. (S. B. 7, Special Session)

Kentucky.—A state teachers' retirement system is established, to be administered by the state board of education. Funds will include moneys provided by the state, 2½ per cent of members' salaries and an equal contribution by their employers. Members who attain the age of sixty may be retired on an allowance equal to accumulated contributions in their behalf, and disabled members may be retired after five years of service on three-fourths of this annuity. (C. 50.) Law providing pensions for disabled firemen is amended so that in cities of the first class a tax of not more than two cents, instead of one, on each $100 of taxable property may be levied; members and substitutes of the fire department may be assessed 75 cents, instead of 50; members retired because of disability contracted through service in the department, and widows, or dependent fathers or mothers of unmarried deceased members, shall receive $60 per month, instead of $30, and each child under fourteen shall receive $12 per month, instead of $6. (C. 73.) The tax for the policemen

and firemen pension fund in cities of the second class is raised to two cents on each $100 of taxable property. (C. 82.) A member of the police or fire department who has served said department for ten years and is subsequently transferred to another branch of the city government, in which his combined period of service equals twenty years, shall be pensioned in the same manner as though he had served the police or fire department for twenty continuous years. (C. 83.)

Louisiana.—In cities of over 100,000 inhabitants members of fire departments enrolled on January 1, 1928, are recognized as regularly appointed members entitled to all rights and pensions from the date of their original connection with the department. (Act 178.)

Massachusetts.—A public bequest commission, composed of the state secretary, the state treasurer, and the commissioner of state aid and pensions, ex officiis, who are to serve without additional compensation but who may incur necessary expenses, is included in commissions serving under the governor and council. A public bequest fund, consisting in bequests and gifts to the fund, is established and put under the commission's control, as provided. When the fund's principal amounts to $500,000, the commission, with the governor's and council's approval, may distribute the fund's income to needy and worthy women citizens sixty years of age and over and to men citizens sixty-five and over. (C. 383.) The funds of retirement or pension systems are permitted to be deposited in savings banks without limit as to amount. (C. 60.) Provision of state retirement law dealing with retirement for permanent disability is revised and other provisions amended. A written application, if a member has attained the age of sixty, has just served for fifteen continuous years, and has a physician's written report stating he is permanently incapacitated not due to his own wilful misconduct, is required for retirement for ordinary disability. The board may employ special examiners when specified if necessary to assist in determining the degree of disability and the board's decision is final. Payments to widows or children of deceased members must not be made prior to receipt of a written application, except that payments to children date from day that payments to widows terminate. (C. 248.) Law amended so that annual pensions of retired members of the fire department equal one half of the annual salary or other compensation received at time of retirement. (C. 252.)

Mississippi.—An unpaid commission is directed to make a study of teacher retirement legislation, and make a report, together with recommendations, to the legislature convening in 1930. (C. 349.)

New Jersey.—County superintendents of public schools who are seventy years of age are to be retired after January 1, 1929 instead of after January 1, 1928. (C. 57.) Law amended to add to the municipal policemen's and firemen's pension fund one-half of the two per centum tax paid to the commissioner of banking and insurance from insurance companies of other states and foreign countries. (C. 185.) Provision is made in cities of over 200,000 inhabitants for the pensioning of members of county police departments and of widows, children or sole dependent parents of deceased members. The establishment of a pension commission of five members in such counties is

provided for. In any county the law is inoperative until the county board of chosen freeholders resolves to adopt it. (C. 264.)

New York.—The joint legislative committee for the study of the aged poor is continued to March 1, 1929, with a doubled appropriation. (C. R., March 21.) Civil service law is amended to include the state police in the state employees' retirement system. (C. 556.) Employees of the Port of New York Authority are brought into the state employees' retirement system. (C. 222.) The commissioner, and employees of the department of correction, in addition to state prison employees, may become members of the state employees' retirement system before January 1, 1929, as provided. (C. 301.) Disbursements from the funds of the retirement system must be made upon warrants signed by a member of the retirement board. (C. 383.) Addition to the law permits members in the state service for three or more years to borrow from the retirement fund, as provided. (C. 534.) Retirement law is amended to direct the comptroller to have in his immediate possession for the immediate payment of annuties $75,000 for employees of the state hospital system (C. 571) and $100,000 for employees in the state civil service. (C. 555.) New York members of Congress are brought into the state employees' retirement system. (C. 713.) Certain towns having an assessed valuation of $20,000,000 or more may establish police pension funds to include two per cent of members' salaries. The fund will be administered by boards of trustees who must report annually to town boards. Persons specified as being eligible will receive pensions, but officers' eligibility, excepting permanently disabled members, is conditional upon ten years' service. (C. 791.)

Porto Rico.—Minor amendments to the law providing for the retirement of permanent insular officers and employees elaborate upon the administrative duties of the pension board. (No. 33.) A pension fund for members of the insular and municipal departments of education and charity schools is created. The fund will include teachers', municipalities', and the insular government's contributions. Teachers who have served for twenty-one or more years and are forty-five are entitled to pensions of from $360 to $600 per annum. Teachers physically unfit to teach after ten years of service are entitled to $240 per annum, and before the completion of one year of service, to a pension not over $150. A pension board of five members is created to administer the fund. (No. 68.)

Rhode Island.—The state commissioner of finance is directed to investigate the general subject of old age pensions and the various state old age pension systems with a view to their practical adaptability in Rhode Island, and must report to the general assembly by January 15, 1929. (Res. No. 60.)

Vermont.—The existing teachers' retirement board is empowered to grant annuities not to exceed one-half of average annual salaries to such teachers as are specified under No. 70 of the acts of 1912 and who have retired between June 1, 1916 and July 1, 1919. (No. 28, Laws of 1927.)

3. HEALTH INSURANCE AND GENERAL SOCIAL INSURANCE

(1) Maternity

Illinois.—Tax for mothers' pension fund lowered in counties of less than 300,000 inhabitants. (S. B. 3, Special Session.)

Texas.—The provisions of the Sheppard-Towner maternity act are accepted. The state board of child health is directed through its bureau of child hygiene to cooperate with the federal children's bureau in the administration of said act. (C. 182, Laws of 1927.) An appropriation of $36,450.52 annually for the fiscal years ending August 31, 1928 and 1929 is authorized for the administration of the act. (C. 100, Laws of 1927.)

(2) Miscellaneous

Louisiana.—Retention of more than 10 per cent of all moneys collected from employees as physician's fees, or payment of less than 90 per cent of said amount to the physician employed, is forbidden; firms contributing toward the maintenance of a conveniently located hospital, or whose employees are cared for gratis in such hospitals, are exempted. Employees on public works are to elect or appoint their own physicians. Fine for violation is $100 to $200. (Act. 7.)

Massachusetts.—Law providing for group life insurance for employees and trade unions is amended. (C. 244.)

New Jersey.—Group life insurance for employees is authorized. (C. 222.)

New York.—The prison law is amended to provide pensions for certain employees on account of accidental injuries. (C. 481.)

United States.—Sick leave with pay for employees in the postal service must not exceed six months, instead of thirty days, during a fiscal year. (Public 411, 70th Congress, 1st session.)

Administration

Alabama.—In addition to the annual authorized appropriation for the state child welfare department for the fiscal year ending September 30, 1927, $25,000 is appropriated. (Act 128, Laws of 1927.) In addition to the existing appropriation for the above department, $50,000 annually is appropriated for the fiscal years beginning October 1, 1927 and 1928, $75,000 for the fiscal year beginning October 1, 1929, and a like amount for each year thereafter. (Act 293, Laws of 1927.)

Kentucky.—Law creating the Kentucky child welfare commission is repealed and said commission is abolished. Instead, the Kentucky children's bureau is created, with nine qualified members appointed by the governor for three years and a director with necessary assistants appointed by the bureau. Duties of the bureau include supervision and control of the administration of mother's aid, investigation of the needs of Kentucky children, and a report to the governor and general assembly prior to each legislative session. Said bureau must also assist in establishing county children's bureaus, to be maintained by fiscal courts or county commissioners. Duties of said county bureaus include assisting the children's bureau, and administering mother's aid to mothers with dependent children under fourteen, or under sixteen if such children are unable to be employed. Appropriation, $5,000 for the fiscal year ending June 30, 1929, and $5,000 for the year ending June 30, 1930. The establishment of county mother's aid funds is authorized. (C. 17.) Appropriation for field work and other specified expenses of department of agriculture, labor and statistics, for the

fiscal year ending June 30, 1929, is increased. (C. 11.) For the fiscal year ending June 30, 1930, $47,000 is appropriated for the department of bacteriology and epidemiology for infancy, maternity, and child health, instead of the appropriation of $21,298.84 authorized to be spent in cooperation with the federal government during the year ending June 30, 1929. (C. 12.) For commission to investigate workmen's compensation act, see p. 362.

Louisiana.—The commissioner of labor statistics and the department of agriculture and immigration must file with the secretary of state and state auditor quarterly statements of receipts and expenditures open to public inspection. For violation fine is $500 or imprisonment for not more than six months or both. (Act 174.) For state board for blind, see p. 361.

Massachusetts.—For public bequest commission, see p. 364.

Mississippi.—For state commission for blind, see p. 361.

Nevada.—Every state officer, department, or commission receiving moneys of the state must pay into the state treasury each month all moneys received, together with an itemized statement of all financial transactions. (C. 26, Special Session.) The state board of examiners is directed to have an examination, audit and report made of the offices, records and accounts of the inspector of mines, the Nevada industrial commission, and other offices. Appropriation, $5,000. (C. 29, Special Session.)

New York.—Penal law is amended to include among misdemeanors a violation or non-compliance with any rule, regulation or order of the department of labor. (C. 145.) The head of each department, in addition to annual reports, is directed to submit a financial statement of all money received by the department, other than money appropriated for the department by the legislature or paid by the department into the treasury, during the preceding fiscal year. (C. 232.) The 1920 act creating a commission to examine child labor laws, investigate their effect and propose remedial legislation, is repealed. (C. 291.) The joint legislative committee appointed in 1926 to investigate industrial conditions and the administration of labor laws is continued to March 1, 1929, with the additional appropriation of $30,000. (C. R., March 20.) The above committee is to cooperate with the commissioner appointed by the governor to investigate the department of labor. (C. R., January 31.)

Porto Rico.—A system of local municipal governments is established; the appointment and removal of municipal employees is regulated; salaries of municipal employees are exempted from attachment. (No. 53.)

Rhode Island.—Annual salary of deputy commissioner of labor is raised from $2,800 per annum to $3,000. (C. 1159.)

Texas.—Five deputies of the bureau of labor statistics, instead of three, are provided for in authorized appropriations. (C. 100, Laws of 1927.) For appropriation for administration of Sheppard-Towner act, see p. 366.

Virginia.—Term of office of commissioner of labor is lengthened from two years to four. (C. 19.)

United States.—$100,000 for the fiscal year 1929 is added to the budget of the bureau of labor statistics. (Public 563, 70th Congress, 1st session.)

II. Topical Index by States

THE labor laws enacted by the nine states and two insular possessions which held regular sessions, and those that held special sessions, and by Alabama, Arizona, Florida, Georgia, Texas and Vermont whose 1927 session law volumes were not available for review last year, together with labor laws enacted by the Seventieth Congress, first session, are herewith indexed by states in alphabetical order with chapter and page references to the session law volumes. The figures in heavier type outside the parentheses, refer to pages in this Review. (Complete session law volumes are not yet available for the Philippines, and for Mississippi, Arkansas, California, North Dakota and Wisconsin in special session, but official communications state that in the four states last mentioned no labor legislation was enacted.)

ALABAMA

(Laws of 1927.)

Social Insurance: law enacted providing for aid in rehabilitation to blind (Act 615, p. 712), p. **361**; certain municipal employees pensioned (Act 223, p. 222, Act. 365, p. 415, Act. 493, p. 556), p. **362**; tax to be levied for municipal pension fund (Act 364, p. 414), p. **363**.

Administration: appropriations for state child welfare department increased (Act 293, p. 284), p. **366**.

ARIZONA

(Laws of 1927.)

Employment: laborers on public works must be Arizona citizens (C. 2, p. 27), p. **354**.

ARKANSAS

(Special Session.)

No labor legislation reported.

CALIFORNIA

(Special Session.)

No labor legislation reported.

FLORIDA

(Laws of 1927.)

Individual Bargaining: labor lien law amended (C. 12079, p. 800), p. **352**.

Social Insurance: retirement of state employees provided for (C. 12293, p. 1233), p. **363**.

GEORGIA

(Laws of 1927.)

Employment: law enacted providing for tax levy on employment agencies and immigrant agents (Act 398, p. 72), p. **354**.

Social Insurance: law enacted providing for retirement of certain officials (Act 207, p. 268), p. **363**; law enacted enabling creation of pension funds in certain counties (Act 218, p. 262), p. **363**; law enacted providing for creation of pension funds in certain cities (Act 318, p. 265), p. **363**.

MASSACHUSETTS

(Page numbers not available.)

Miscellaneous: commission appointed to study revision of license fees (C. 30), p. **351.**

Individual Bargaining: law regulating payment of teachers' salaries amended (C. 183), p. **351.**

Social Insurance: workmen's compensation law amended (C. 356 and C. 402), p. **358**; limitation removed from retirement system's deposits (C. 60), p. **364**; retirement law amended (C. 248 and C. 252), p. **364**; public bequest commission and fund created (C. 383), p. **364**; group life insurance law amended (C. 244), p. **366.**

Administration: see "Social Insurance," p. **364.**

MISSISSIPPI

Individual Bargaining: mechanics' lien law enacted (C. 136. p. 193), p. **352**; law enacted prohibiting contracting with employed laborers (C. 292, p. 366), p. **353.**

Social Insurance: law enacted directing study of teacher retirement legislation (C. 349, p. 446), p. **365**; state commission for the blind created (C. 149, p. 205), p. **362.**

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(Special Session.)

(Law volume not available.)

NEVADA

(Special Session.)

Administration: audit and report of the records of certain offices directed (C. 29, p. 60), p. **367**; law enacted requiring payment into treasury of state moneys (C. 26, p. 57), p. **367.**

NEW JERSEY

Individual Bargaining: law regulating payment of wages amended (C. 150, p. 302), p. **352**; commission appointed to revise mechanics' lien law (J. R. 10, p. 804), p. **352.**

Hours: six-day law enacted for certain municipal employees (C. 223, p. 398), p. **353.**

Employment: private employment agency law amended (C. 283, p. 775), p. **354.**

Safety and Health: law specifying requirements for age and schooling certificates amended (C. 276, p. 706), p. **355.**

Social Insurance: workmen's compensation law amended (C. 135, p. 281, C. 225, p. 400, C. 149, p. 300, C. 224, p. 399), p. **358**; workmen's compensation law supplemented (C. 136, p. 288), p. **358**; compensation insurance provided for volunteer firemen (C. 163, p. 325), p. **359**; vocational rehabilitation law amended (C. 34, p. 66), p. **361**; law providing for retirement of county public school superintendents amended (C. 57, p. 120), p. **364**; law providing for policemen's and firemen's pension fund amended (C. 185, p. 352), p. **364**; law enacted providing for pensioning of certain county policemen (C. 264, p. 669), p. **364**; employee group insurance authorized (C. 222, p. 397), p. **366.**

NEW YORK

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Individual Bargaining: law regulating labor liens on public works amended (C. 236), p. **352**; banking law amended (C. 365), p. **352.**

Hours: women pharmacists exempted from hour regulations (C. 567), p. **353.**

Safety and Health: child labor law amended (C. 725), p. **355**; section of education law regarding street trades amended (C. 646), p. **355**; law regulating partitions amended (C. 726), p. **355**; see "Administration, p. **367**.

Social Insurance: workmen's compensation law amended (C. 755, C. 754), p. **358**; (C. 749, C. 584, C. 750, C. 752, C. 753), p. **359**; prison law amendment provides for certain pensions (C. 481), p. **366**; committee studying aged poor continued (C. R., March 21), p. **365**; state employees' retirement law amended (C. 222, C. 556, C. 301, C. 383, C. 534, C. 555, C. 571, and C. 713), p. **365**; police pension funds created in certain towns (C. 791), p. **365**.

Administration: penal law amended (C. 145), p. **367**; financial statements required of department heads (C. 232), p. **367**; law creating commission to investigate child labor laws repealed (C. 291), p. **367**; committee investigating industrial conditions and administration of labor laws continued and directed to cooperate with the commissioner investigating the department of labor. (C. R., January 31, and C. R., March 20), p. **367**.

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(Laws of 1927.)
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PORTO RICO

Employment: investigation of Florida and North Carolina tobacco industry authorized. (J. R. 55, p. 840), p. **355**.

Safety and Health: law requiring dispensaries in certain factories amended (No. 16, p. 140), p. **356**.

Social Insurance: workmen's compensation law repealed and re-enacted (No. 85, p. 630), p. **359**; liquidating board of workmen's relief commission created (No. 84, p. 624), p. **360**; mutual insurance association provided for (No. 86, p. 690), p. **360**; law providing for retirement of permanent insular employees amended (No. 33, p. 216), p. **365**; pension fund for members of departments of education created (No. 68, p. 498), p. **365**.

Administration: system of local municipal governments created (No. 53, p. 334), p. **367**.

RHODE ISLAND

Hours: certain performances authorized on Sundays (C. 1154, p. 82 and C. 1160, p. 92), p. **353**; law prohibiting night labor of children amended (C. 1222, p. 223), p. **353**; law specifying hours for women and children amended (C. 1231, p. 247), p. **353**.

Employment: law providing for care of dependent children amended (C. 1226, p. 238), p. **355**.

Safety and Health: see "Hours," p. **353**; law regulating employment of minors in street trades amended (C. 1223, p. 234), p. **355**; promulgation of more stringent boiler inspection rules urged (Res. No. 28, p. 552), p. **356**; boiler inspection law amended (C. 1197, p. 178), p. **356**.

Social Insurance: workmen's compensation law amended (C. 1207, p. 211), p. **361**; investigation of old age pensions directed (Res. No. 60, p. 578), p. **365**.
Administration: salary of deputy commissioner of labor raised (C. 1159, p. 90), p. **367**.

SOUTH CAROLINA

Individual Bargaining: certain labor liens provided for (No. 600, p. 1169), p. **352**.

TEXAS

(Laws of 1927.)
Individual Bargaining: law regulating certain labor liens arising in public works amended (C. 39, p. 114), p. **352**.
Social Insurance: workmen's compensation law amended (C. 28, C. 60, C. 223, C. 270), p. **361**; provisions of the federal maternity act accepted and appropriation authorized (C. 182, p. 260 and C. 100, p. 272), p. **366**.
Administration: number of deputies of the bureau of labor statistics increased (C. 100, p. 275), p. **368**; see "Social Insurance," p. **367**.

VERMONT

(Laws of 1927.)
Miscellaneous: joint resolution requests Congress to submit amendment shortening period between members' election and seating. (J. R. 223, p. 228), p. **351**.
Social Insurance: workmen's compensation law amended (No. 99, No. 98, No. 100), p. **361**; law enacted providing for industrial aid to blind (No. 37, p. 45), p. **362**; teachers' retirement law amended (No. 28, p. 38), p. **365**.

VIRGINIA

Individual Bargaining: assignment of certain workmen's wages prohibited (C. 81, p. 348), p. **352**; mechanics' lien law amended (C. 253, p. 760), p. **352**.
Social Insurance: workmen's compensation law amended (C. 19, p. 16, C. 227, p. 734, C. 445, p. 1136), p. **361**.
Administration: commissioner of labor's term of office lengthened (C. 19, p. 17), p. **367**.

WISCONSIN

(Special Session.)
No labor legislation reported.

UNITED STATES

(Page numbers not yet available.)
Employment: secretary of labor directed to investigate unemployment and method of making unemployment reports (S. Res. 147, 70th Congress, 1st session), p. **355**; Senate committee on education and labor directed to investigate causes and relief of unemployment (S. Res. 219, 70th Congress, 1st session), p. **355**.
Minimum Wage: extra compensation provided for night-work for postal employees (Public 496, 70th Congress, 1st session), p. **353**; certain salaries raised (Public 555, 70th Congress, 1st session), p. **353**; salaries of customs employees classified (Public 575, 70th Congress, 1st session), p. **353**.

Safety and Health: child labor law enacted for District of Columbia (Public 618, 70th Congress, 1st session), p. 356; investigation of conditions in certain coal fields directed. (S. Res. 105, 70th Congress, 1st session), p. 357.

Social Insurance: longshoremen's act applied to certain employees in District of Columbia (Public 419, 70th Congress, 1st session), p. 358; appropriation for United States employees' compensation commission (Public 400, 70th Congress, 1st session), p. 358; sick leave for postal employees extended (Public 411, 70th Congress, 1st session), p. 366; state laws extended to personal injury actions in certain federal jurisdictions (Public 11, 70th Congress, 1st session), p. 361.

Administration: $100,000 added to bureau of labor statistics' budget for 1929 (Public 563, 70th Congress, 1st session), p. 367.

Regular Legislative Sessions 1929

CONGRESS (70th Congress, 2nd session) and the following forty-three states hold regular legislative sessions during 1929: Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin, Wyoming.

Administration in Arkansas Favors Compensation

THE modern trend of thought from a humanitarian as well as an economic standpoint, has resulted in the passage of Workmen's Compensation Laws in forty-three states of the Union that give protection for the workers as well as to the employers in case of industrial accidents. Therefore, we favor the passage of laws by the Legislature that will give adequate protection to the workers and their employers in the industries of this State. We believe the adoption of such a measure will protect the employer end employee alike and assist materially in the industrial development of the State."—*Arkansas State Democratic Platform,* 1928.

All Occupational Disease Compensation

NO compensation law is adequate without provision for the compensation of all occupational diseases. Under the terms of thirty-four American workmen's compensation acts, disability or death when caused by an occupational disease is not compensable.

Evidence continues to accumulate indicating that workers are facing an increasingly widespread and vicious form of occupational hazard.[1] The sensational radium cases in New Jersey are a fearsome reminder of the need for broader protection. But there are hundreds of other poisonous substances in industrial use which present an ever-present menace to the health and lives of wage-earners. The development of chemistry and its extensive application to industrial processes is continually creating new forms of industrial hazards. The introduction of the spray paint gun and the manufacturing of refrigerating machinery are but two examples of newer industries which expose workers to the dangers of occupational poisons.

Workmen's compensation laws were enacted on the theory that wage-earners should be compensated for disabilities caused by their employment. To refuse compensation to a painter disabled by lead poisoning contracted through his employment is a denial of that principle. It is also manifestly unjust to the worker. Logically he is just as entitled to compensation as the employee who is injured as the result of a work accident. In ten[2] American compensation laws this principle is recognized and provision is made for the compensating of all occupational diseases. Five[3] states and Porto Rico provide protection for only a limited number of diseases specified in the law.

This "specific schedule" plan was first "put over" on New York by opponents of adequate health insurance for labor.[4] Unfortunately it was followed in a few jurisdictions apparently under the mis-

[1] See "Compensate ALL Occupational Diseases" by John B. Andrews, *American Labor Legislation Review*, Vol. XVII, No. 4, December, 1927, pp. 261-265.

[2] California, Connecticut, Hawaii, Massachusetts, the Philippines, North Dakota, Wisconsin and the three federal laws.

[3] Illinois, Minnesota, New Jersey, New York, Ohio.

[4] See "Occupational Disease Compensation" by John B. Andrews in Proceedings of the Eleventh Annual Convention of the Association of Governmental Labor Officials of the United States and Canada, 1924, Bulletin No. 389, United States Bureau of Labor Statistics.

apprehension that provision was being made for genuine occupational disease compensation. Seven years' experience have shown it to be as unjust as it is inadequate. As pointed out by a prominent New York official: "This piecemeal method is far from satisfactory. Why not lay down the general principle that disability to a worker arising from his occupation should be compensated, whether that disability came from a fractured arm, a silicotic lung from inhallation of rock dust, blood degeneration from benzol fumes, a necrotic jaw from radium paint, or methyl chloride poisoning from refrigeration materials?"

It is not reasonable that any state—once having accepted the principle of workmen's compensation—should hesitate to adopt the all-inclusive method of compensation for occupational diseases.

The earliest—and all-inclusive—plan left the word "accidental" out of compensation laws and provided compensation for "personal injuries" thereby including occupational disease disability. Better form is the provision: "The term 'injury' as used in this act, shall include any injury or disease arising out of the employment."

Such an inclusive provision, experience shows, would add not more than three per cent to the total cost of compensation. In fact, the casualty insurance rate-makers themselves have stated that they would recommend but one per cent increase in rates to cover the all-inclusive occupational disease feature. Experience clearly demonstrates that occupational disease cases represent but a small percentage of the total number of cases compensated under the law. Thus for the year 1927 in Wisconsin, where the all-inclusive method has been in successful operation for years, 397 injuries due to occupational disease were compensated—less than two per cent of the total number of compensable injuries (20,473) and about two per cent of the cost ($73,743 out of $3,662,406). In California during 1927, 1,339 injuries were classified as occupational diseases, or one-half of one per cent of the number of reported industrial accidents (268,600). The Eleventh Annual Report of the United States Employees' Compensation Commission indicates that something less than three per cent of the cases listed in the report were due to occupational diseases or non-accidental causes which include strains and injuries caused by corrosive substances.

With the aggregate cost of compensating all occupational diseases thus proved to be relatively small—despite the earlier claim of opponents that it would cost millions—expediency no less than justice calls for adoption of the plan of broad coverage. Moreover, this method offers—in the absence of comprehensive workmen's health insurance—the most effective aid to prevention of industrial sickness. It uncovers a constantly increasing number of disease danger points in modern industry. Because of the broad coverage in this form of law, cases due to new industrial processes can be met promptly; the victims can be compensated, and all the preventive value of workmen's compensation can be brought to bear immediately to assist in safety work.

Until all compensation laws protect all victims of occupational disease, a fundamental purpose of workmen's compensation will remain unfulfilled. Adequate protection, including prevention, calls for universal adoption of the all-inclusive plan of occupational disease compensation.

Rock-Drillers Menaced by Death Dealing Dust

FIFTY-SEVEN per cent of all rock drillers, blasters and excavators in New York City, examined during a six months' study under the joint auspices of the New York Tuberculosis and Health Association and the College of Physicians and Surgeons were found to be suffering from **silicosis.** The workmen's compensation law does not yet provide for the compensating of disability or death due to silicosis and numerous other occupational diseases. In the report of this investigation it is suggested that it is advisable to cooperate with the American Association for Labor Legislation in working for preventative and compensation measures.

Photograph from Wide World Photos.

After the Explosion

One by one, 195 coal miners were carried dead from the Keystone mine, at Mather, Pennsylvania, the result of a needless coal dust explosion May 19, 1928. Thorough rock dusting would have prevented this.

(*See page* 420)

Workmen's Compensation Keeps the Family from Charity

By Bailey B. Burritt
General Director, N. Y. Association for Improving the Condition of the Poor

(Editor's Note: Mr. Burritt shows that workmen's compensation is now paying to families something like $150,000,000 a year, probably more than is expended for all charity relief by all the public and voluntary agencies of the country combined.)

THE evolution of economic and social forces is profoundly affecting the family as a unit of our American civilization. Workmen's accident compensation is distinctly a recent force and yet a very profound one so far as its influence on family life is concerned.

In 1908 the first Federal Compensation Act was passed for civilian employees of the Government. The first comprehensive state compensation law was that of the State of New York, which was passed in 1910, and subsequently declared unconstitutional. This was followed by a constitutional amendment making possible new legislation, which finally became effective in 1914. Meantime several other important states, beginning in 1911, had enacted compensation laws and other states followed rapidly after 1914. As a result there were in 1927 compensation acts in forty-three states and three territories, and, in addition, two Federal compensation laws applying to the civilian employees of the Government and to longshoremen and harbor workers. Only five states are now without such acts—Arkansas, Florida, Mississippi, North Carolina, and South Carolina. In two decades this movement has swept over the country until now nearly all of the working population is protected by some form of accident compensation.

Approximate Amount of Compensation Paid

It is impossible to speak with full and complete authority with regard to the total amount of compensation paid to individuals, but in New York State alone, for the fiscal year ending June 30, 1926,

there was a total of approximately $29,000,000 paid out in compensation, exclusive of medical benefits. The inclusion of these would bring the amount to more than $35,000,000. In thirty states, for which information is easily available for the last fiscal year, more than $130,000,000 was paid out in compensation to injured workmen or their families. In some of these states the figures which were tabulated in securing this information included medical service; in others these were not included; and in still others information was not available as to whether they were included or excluded. The total amount, therefore, should not be taken literally, and is given only to convey some approximate picture of the volume. Thirteen states are not included in this total, but for the most part they are not important industrial states. In addition to the $130,000,000 compensation paid out in these thirty states, the United States Employees' Compensation Act provided over $2,500,000 in 1927, in addition to about $500,000 for medical benefits. The Public Health Service and the War and Navy Departments are giving medical treatment in excess of $1,000,000 a year. It is probably safe to estimate therefore that somewhere between $135,000,000 and $150,000,000 is paid out yearly in accident compensation to injured employees and their families in the United States.

From a social point of view we may say, therefore, that **approximately $150,000,000 is expended annually in the maintenance of family units as a result of workmen's compensation laws which did not exist before 1908. This is probably a greater amount of money than is expended for relief to families by all of the public and private family welfare agencies combined,** although we have no adequate data available to fully prove this. As a bit of evidence pointing in this direction, however, facts seem to indicate that about $7,000,000 was expended for relief of families in the City of New York by public and voluntary agencies during 1927. During this same year approximately one-half of the total of $29,000,000 compensation awarded in New York State for deaths or injuries, exclusive of medical benefits, was awarded to families residing in New York City to compensate them for accidents incurred by wage earners in these families. This is more than twice the amount expended for all relief purposes.

We have no means of knowing whether this ratio prevails for the country as a whole, but let us draw also upon the following facts relating to allowances to mothers of dependent children. The mothers' allowance movement began at almost the same time as did the workmen's compensation movement. Illinois passed the first state-wide law for mothers' allowances in 1911, although allowances had been granted by juvenile courts of several California counties as early as 1906. Up to the present time mothers' allowance laws have been adopted in forty-four states, the District of Columbia, and Hawaii.

In a recent bulletin of the Federal Children's Bureau, estimates from data supplied by state officials show that the amount of children's allowances granted in 1926 in twenty-two states and the District of Columbia with a total population of over 60,000,000 people was approximately $18,600,000. These twenty-two states include those which have acted most vigorously in providing allowances and those from which the data are most easily procurable. The amount expended in the remaining states, although not definitely known, would certainly not exceed $12,000,000, making a possible total for all of the states somewhere near $30,000,000 annually.

While neither this figure nor the total of $150,000,000 referred to above is anything more than an approximate estimate of the amount expended annually in families for children's allowances and as compensation for accidents, it is believed that they are sufficiently valid to be used to give an approximate picture, indicating that **somewhere near five times as much money is annually available for families from workmen's compensation acts as is available to families from the popular mother allowance act** which has swept over the country during the same period. Statements like these enable us to vision more clearly what the development of workmen's compensation for the past two decades has meant to family welfare.

An examination of the records of public and private relief agencies previous to 1908, would disclose evidence of an attempt here and there to wrestle with the unfortunate result of industrial accidents. Investigation has disclosed that actions brought by individuals through the courts to recover damages resulted in more or less complete failure so far as the recovery of any considerable

amount of money was concerned. Relief of such family situations, by either voluntary associations or government agencies, was scattering and totally inadequate. The fact stands out baldly therefore that but little was done either through the courts or by welfare agencies to preserve family units that were either completely crushed or seriously handicapped by industrial accidents, resulting in either death or disability, permanent or temporary, of wage earners.

Moderate Wage Earners, the Beneficiaries

The great bulk of compensation goes to moderate wage earners. This is illustrated by the fact that 59,917 employees out of a total of 99,673 employees receiving compensation in New York State, in the fiscal year ending June 30, 1926, received wages of $30.49 or less per week. Thus about 60% of all compensation cases were receiving wages of less than $30.50 a week. before their injury. Only 8,592, or less than 10%, out of this total of 99,673 received more than $50.50 per week. It is precisely in this low income range of families that the greatest social damage is done when the income of the breadwinner is either permanently or temporarily interfered with. Death or permanent, or even partial, disability in such families almost inevitably means wreckage or serious disarrangement of the family unit. **That some 100,000 families are prevented from enduring such serious hardship in the State of New York each year is a fact, the social significance of which for family life cannot easily be overstated.**

When we examine the age distribution of these 99,673 cases we find that 67% of 89,000, for which this information was available, were between the ages of 21 and 50, or between the ages which are of the greatest significance as wage earners in family economic units. **Both from the point of view of amount of wages earned and the age of persons compensated we find the facts pointing to the maximum influence upon family life.**

Again, if we examine the facts with regard to the seriousness of the accidents incurred, we find that in the State of New York nearly one quarter of the compensation paid is for accidents resulting in death or the permanent removal of the wage earner from the family unit. Fortunately in New York State

(and similar provisions are found in many states) the amount of the award in cases of death is directly related to the family situation, for example, the number of dependents. It includes, first of all, reasonable funeral expenses not to exceed $200. If there be a surviving wife and no children under eighteen years of age, the wife receives "30% of the average wages of the deceased during her widowhood, with two years' compensation in one sum upon remarriage." If there be a surviving child or children under the age of eighteen years, 10% of wages is allowed in addition for each such child until it reaches the age of eighteen years, and in case the surviving wife dies or remarries, the compensation to such child or children is increased to 15%. Thus the compensation itself is directly related to the family situation as to the age and the number of dependents. In short, **workmen's compensation is recognized as a family welfare provision,** related closely to the needs of the surviving family.

I have pointed out that approximately one-fourth, 23.7% to be accurate, of the total funds awarded as compensation are, in New York State, awarded because of death. Nearly one-half of the total awards, or 47.8%, are allowed for permanent disabilities, in other words, for disability that permanently handicaps the wage earner.

Temporary disabilities account for a little more than one-quarter of such awards. These temporary disabilities are not compensable until after the lapse of one week, and the great bulk of such disabilities are compensable for periods of less than ten weeks. There are, however, a very appreciable number of these disabilities that run for much longer periods of time, and the total amount of money paid out in compensation for the longer periods is considerable. Even in the case of temporary disabilities the effect of compensation upon the family life is considerable. To a family of modest income complete loss of wages even for a temporary period, plus medical and hospital bills, is a serious blow. Under compensation legislation the family is obliged to carry its share of the burden through partial loss of wages, but the share is not in most cases insupportable.

Protecting the Family—Not Paternalism

I have tried in a few bold strokes to give some picture of what the development of workmen's compensation has meant for fam-

ilies in terms of number of families affected, the amount of money available, and the age of persons receiving compensation. The human side of this picture, however, is not to be had from statistical statements. One needs to look intimately into the lives of the 100,000 families affected by workmen's compensation in a state like New York each year in order to appreciate more fully the human aspects of the problem. Here one would find the results expressed in terms of better health, not only because of hospital and medical care given to the injured person, but because of the fact that there is less serious disarrangement of the family life; there is less actual want following in the wake of injury. This in turn expresses itself in better health of children in such families, less interference with their proper education, and the prevention of the breakdown of mothers and fathers through the strain and worry of serious loss of income. Not only are we preserving 100,000 family units annually from results varying all the way from relatively minor disturbances through temporary accidents to the serious disasters inevitably following death or permanent disability, but we are also adding greatly to the comfort and value of the remainder of the lives of the individuals in these families. The social results of workmen's compensation in families are measured in terms of making possible a more normal continuation of existing family standards of living. Better health, more vigorous children, better education, better citizens are results that are not easily measured by statistical yardsticks.

The first efforts to secure compensation were met with the statement that this was a paternalistic or socialistic movement, and that it would have dire results in undermining the moral stability of families benefiting from it. This argument was probably never very seriously advanced. It overlooked the fact that the results of failure to meet the problem in this way not only resulted in breaking down the economic unit of the family but required a still more objectionable and unsatisfactory form of paternalism to care for the family disasters flowing from industrial accidents by making necessary in many cases institutional care or relief of such families as paupers. The economic loss to the state because of the breakdown of such family units was undoubtedly greater in the long run than the present cost of preventing such breakdown. There is nothing that more

completely breaks down family morale than the serious and permanent discouragements that come from inability of the family to secure an income adequate to maintain a decent standard of living. **The protection of the economic and social unit of the family through suitable compensation awards, instead of proving to be paternalistic and undermining family initiative and morale, is proving itself to be a wise extension of the power of the state to protect its families from economic disaster and make them again, at an early date, independent productive family units.**

It is difficult, if not impossible, to argue in the light of these facts that the expense involved in adequate workmen's compensation is incommensurate with the important family and social results secured. **The cost of workmen's compensation is relatively small.** One or two cents added to the retail value of a pair of shoes to cover this item surely will not seriously interfere with the budgets of family groups. At a very moderate price, in almost unappreciable amounts, we have conserved a volume of family life that is an asset to the state out of all proportion to the expenditure made. This argument might be made on a purely economic basis, but when one adds to the argument the humanitarian one of the saving in health, happiness, comfort and general welfare of families the argument for this particular form of family welfare becomes irresistible.

Backward Southern States

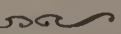
There is an evident tendency working gradually toward removal of the more fundamental differences in the legislative provision of various states. This process should be speeded up until the more liberal provisions in such states as New York, which is one of the most liberal states dealing with this problem, are in essence adopted in every state and territory in the Union. It is inequitable, for example, that the citizens of North Carolina should not have the same or similar protection in law from accidents sustained in the course of their employment as are available to the citizens of Tennessee, and the citizens of Tennessee should have as enlightened provisions for their protection as should the citizens of any other state

The American Association for Labor Legislation has, after careful consideration, promulgated standards for workmen's com-

pensation that it urges as suitable for inclusion in all legislation. These standards are, in the main, adopted in the legislation of the more advanced states, and citizens of states that are not having the advantage of these standard provisions might well continue to call to the attention of the industrial and legislative authorities in their states the inequity of the situation under which they are laboring. It has been fully demonstrated that the cost of assuming the expense of workmen's compensation is not so great as to make it a serious problem for the industry of any state adopting such measures. Every state should have adequate workmen's compensation. It works well in practice and the theory back of it is a sound one, namely, that compensation to injured workmen or their dependents because of shortened lives and maimed limbs is a just part of the expenses of production.

It is difficult to measure accurately the effect of the workmen's compensation movement on the **prevention of accidents,** because during the time in which workmen's compensation has had its greatest development there has also been the greatest progress in mechanization of industry. We have more machinery per worker than formerly, and as a result of this we may naturally be expected to have more accidents. So far as the family is concerned no amount of compensation can be a satisfactory substitute for life or limb. While workmen's compensation has operated to greatly reduce the necessary suffering in families, it has not removed it. Our goal, so far as the family is concerned, should be the removal of industrial accidents through prevention or at least the reduction of such accidents to the lowest possible minimum.

The State of New York has a **Social Service Bureau** attached to the Department of Labor to which is referred selected cases in need of after care. At the recent session of the Legislature this Bureau was strengthened so that it is now possible for it to have a small staff of trained social workers to deal with specially selected cases referred to it. This is an additional feature of workmen's compensation which might well be adopted by other states.



Copies of the December, 1926 issue of this REVIEW are needed by the American Association for Labor Legislation. Three cents will carry your copy back if you can spare it.

A Safety Code For Harbor Workers

International Action Needed

By F. P. Foisie

Industrial Relations Manager, Waterfront Employers Association of Seattle

(Editor's Note: The enactment of our Federal Longshoremen's Compensation Act in 1927 is bearing the fruit of constant economic pressure toward safety. Although offers of cooperation by the National Safety Council and the American Engineering Standards Committee were peremptorily rejected by an organization of shipping employers on October 1, the pressing problem of accident prevention at the docks can not be much longer ignored. This situation is to be discussed at Chicago in connection with the annual meeting of the American Association for Labor Legislation, in December, and Mr. Foisie's concise article is timely indeed.)

PORT cargo-handling is inherently hazardous due to natural hazards and constantly varying conditions. The natural hazards are, first, material handling, which is a major source of injuries in all industries and in port cargo-handling is the entire industry; second, the work is carried on around open hatches with falls an ever-present menace, in this regard resembling building which is admitted to be a severly hazardous industry. The constantly changing conditions are those of nature's variables—time, tide, weather; of physical equipment—changing with each ship as to gear and cargo; and of the human element—men and management, shifting daily in their employment relationship which is highly casual.

The frequency and severity of personal injuries are unknown but an idea may be gathered from the insurance cost which in United States ports amounts to nearly 20 per cent of the payroll. In other words, **of every six longshoremen employed, one is working solely to pay the premiums on the other five.** The human and economic wastage is very great.

The international aspects of shipping aggravate the problem of preventing personal injuries to port cargo-handlers. Certain conditions contribute to personal injuries where the control of such conditions rests largely with the foreign ship on which the accident occurs, not with the port of the nation in which it occurs; for example, defective ships' gear—whether due to

faulty design, construction or maintenance—is difficult to control except by the authorities of the home port. Though injuries due to defective gear are relatively few in number they are exceedingly sever in nature, and therefore bulk large in cost of life and money. Another example of conditions contributing to accidents beyond control of the port where they occur is that of tariff requirements and trade habits; such as sacks weighing two hundred pounds or more, which **save in tariff but take toll on muscles;** and ingots of similar excessive weight, which **suit manufacturing needs but pinch fingers and toes.** Control of foreign shipping is in foreign shipping capitals —London, New York, Tokio, Oslo, Antwerp, Amsterdam. Resident agents of foreign companies lack authority to correct defects. Remedies are available usually only in home ports.

Competition between the shipping of the several nations makes for anything but the spirit of cooperation in pooling experience on accident prevention and in effecting safety standards of ship design, construction and maintenance. Since the longshoremen of each nation work the vessels of all other nations, it would seem as though shipping interests are more common than competitive in this field of personal injury prevention.

Efforts to cope with the problem of preventing personal injuries to port cargo-handlers must center on the development of safety standards; by self-regulation of industry as far as possible, by governmental intervention where necessary.

Under the leadership of Ernest Bevin, head of the English dock workers, a convention of the cargo-handling labor unions of northwestern European nations was held last March in Amsterdam. Using the English docks' safety regulations as a guide, a proposed international safety code was drafted. This was submitted to the Geneva Conference, International Labor Office of the League of Nations, in May last with the hope that at next year's Conference an international convention would be adopted. Shipping management, labor representatives, technical experts, and spokesmen for the several nations in the League will constitute such convention.

There are many handicaps which must be overcome before such effort can be even moderately successful. Not the least of these is inertia of industry to change; there is no clearance of experience in this field between nations; there is no world chamber of ship-

ping, and no international organization of dock or harbor workers. As against these handicaps there are some positive forces urging action; constantly mounting personal injury losses serve as a prod to shipping management; port labor is organizing with greater effectiveness; and international safety standards in other fields are developing through the International Labor Office of the League.

Although the United States has not participated in this effort thus far, the proposed international port safety code has had its effect here and will no doubt be the starting point of a similar code nationally adopted. The United States Longshoremen's and Harbor Workers' Compensation Act passed by Congress in 1927 calls for recommendations to Congress and ship owners by the commission administering the compensation act looking to the prevention of personal injuries.

One problem common to the shipping of all nations is the prevention of personal injuries to port cargo-handlers. And since ships are largely international, no remedy can be fully effective which is not international in scope.

Workmen's Compensation for Convicts

A REPORT[1] recently issued by the Children's Bureau of the United States Department of Labor, following a study of prison labor in Kentucky, includes several interesting recommendations for meeting the problems of prisoners' families. Singularly enough, no reference whatever is made to the problem which arises in the event that the prisoner is disabled by an occupational accident in institutional workshops.

It has already been pointed out in this REVIEW[2] that these unfortunate victims in New York—as in most states—are not entitled to the benefits of the state workmen's compensation law, nor have they any redress against the state for damages. As a result, wards thus incapacitated are, when discharged, seriously handicapped in making an honest living.

A recent case in New Jersey will serve as illustration. A suit for $35,000 damages was recently filed against Mercer County by a former inmate of the county workhouse who lost a leg while operating a stone-crushing machine during his confinement. The defense asked dismissal of the suit, contending that the workhouse was a governmental function for which the county could not be held liable.

[1] "Welfare of Prisoners' Families in Kentucky," by Ruth S. Bloodgood, Children's Bureau, United States Department of Labor.

[2] "Workmen's Compensation for Convicts," by John B. Andrews, *American Labor Legislation Review,* Vol. XV, No. 2, June, 1925, pp. 132-134.

New Jersey Radium Cases—The Lesson

FIVE women who were employed by the United States Radium Corporation of Orange, New Jersey, are doomed to die. They are the victims of radium poisoning contracted by painting illuminated numerals on the dials of watches. Thirteen other women who worked in that plant are already dead.

These pitiful cases are not covered by the New Jersey workmen's compensation law, which still retains the discredited limited schedule of compensable occupational diseases and radium poisoning is not included. The only resort, therefore, was to sue the company for damages.

The first suit was filed in May, 1927—months already having elapsed before physicians were able to determine the nature of the disability upon which to base grounds for action. The company, relying on the statute of limitations for its defense, secured adjournment after adjournment. The *New York World* in a leading editorial recited the history of these "hideous delays" and asserted "that this is one of the most damnable travesties on justice that has ever come to our attention. * * * If ever a case called for prompt adjudication it is the case of five crippled women who are fighting for a few miserable dollars to ease their last days on earth."

On June 12—after thirteen months of litigation—a settlement was finally effected. The company agreed to pay $10,000 to each victim plus attorneys' fees and court costs and in addition an annual pension of $600 together with medical expenses.

Thus these five suffering women, after outrageous delay, finally were accorded justice. But what about the thirteen who are dead and the hundreds of others who daily face the same occupational hazard in New Jersey and other states as well? The United States Public Health Service has been asked to investigate into the use of luminous paint and prompt action is promised. An effort has already been made to determine the extent of this industrial hazard in foreign countries and what steps are being taken to combat it.

This sad business in New Jersey indicates again the urgent need for providing accident compensation for *all* occupational diseases.

Safety For Harbor Workers

By Jerome G. Locke

(Editor's Note: At a luncheon meeting of the Marine Section of the National Safety Council, in New York City recently, Deputy Commissioner Locke, who now administers the federal Longshoremen's Compensation Act at this port, and who for some years was chairman of the Montana Compensation Commission, delivered the following brief address. Unfortunately, shipping employers have held back in the important work of securing compensation and safety for longshoremen, and they have recently shown an unwillingness to cooperate with safety engineers as so many other employing groups have done. Mr. Locke's address, in splendid cooperative spirit, is especially timely in view of the drive that is to be made during the coming year to put into effect an adequate Harbor Workers' Safety Code.)

I WAS born out in the great Northwest on a spot that was then nearly a thousand miles from a railroad. As I grew from childhood to young manhood, I saw three great transcontinental railway systems span the Northwest from the Great Lakes to the Pacific Coast. That was before the days of compensation laws and "safety first" organizations.

I think I can well illustrate the changes that have taken place since then by telling of an incident that occurred during the construction of one of those transcontinental lines.

A certain contracting firm had some four hundred miles of the roadbed to build. It had stretched an improvised telegraph wire along the right of way, and established construction camps ten or fifteen miles apart. Each of these camps was in charge of a foreman, who had one or more straw bosses. One day the main office of the contracting company received a telegram from a sunny son of Italy, who was a straw boss in one of the camps. The telegram read, "What to do? Boss is hurt to dead." The main office wired back, "Make quite sure the boss is dead. If so, bury him. Will send a new boss." The next day it received another wire, "Made sure boss is dead. Hit him on head with shovel. Ready for new boss."

This incident was typical of the times. Life was cheap and personal injury suits were unknown. A good many workmen who went back too soon on a powder charge were buried in the railroad grade and the incident was closed. There were no reports, no investigations, no damage suits, no compensation awards.

In thirty-five or forty years, times have changed. The customs and methods of that day would bankrupt the employer of today and send him to the penitentiary. **With the advent of damage suits and compensation acts, safety work has become a necessity, not a fad.** From the standpoint of the money involved, we are seriously engaged in safety work because it pays. From the standpoint of humanity, we are driven to this work because we no longer regard the losses of life and limb as something that cannot be helped, as was true a quarter of a century ago. We know now that literally thousands of lives are saved, and tens of thousands of anatomical members are kept whole every year because of the continued spread and the increasing effectiveness of safety campaigns.

And may I say here that from the standpoint of the workmen, from the standpoint of the employer, from the standpoint of society as a whole, the work safety engineers do is of vastly greater importance than the work compensation administrators perform. Safety engineers may not get as much commendation—indeed they may get no commendation at all—but when their efforts have prevented an accident that would have severed a man's arm or his leg, or fractured his skull, they have performed a service that is ten times better than we can when we adjust the loss under a compensation or a liability law.

I take it that the luncheon here today is for a specific purpose, and that purpose is to lay the foundation for more widely-spread, better coordinated, and consequently more effective work in the prevention of accidents to the maritime workers in the ports. The meeting is not for the purpose of inaugurating this work. Many large employers have already done that. It is, rather, to get the work on a basis that will make its application more nearly universal, as far as the ports are concerned, and that will give it the maximum efficiency, and thereby bring the maximum results.

I need not argue with you gentlemen on the humanitarian benefits of greater safety. You are in the business, and you know what can be and is accomplished toward the alleviation of physical suffering by accident prevention. If, however, you have to deal with managers, or presidents, or boards of directors who do not have a proper mental view, will you not invite them to come to the compensation offices for a few hours any day, and there hear the tales

of tragedy that are unfolded, every one the aftermath of an industrial accident.

Neither do I need to argue with you gentlemen that more safety work will pay in dollars and cents. You know it pays. You may, however, have to sell the financial side of this work to men who are primarily concerned with watching overhead costs. If so, may I suggest that this port furnishes more than a thousand accidents a month to maritime workers under the federal Longshoremen's Act, which applies only to accidents on board vessels at the docks. I do not know how many accidents occur to these maritime workers outside the Act, that is, on the docks, where they are under the state law of New York. Each one of these accidents costs the employer money. The cost may be only a few cents, or it may be as high as nine or ten thousand dollars. The aggregate cost in the course of a year runs into the millions. Exact figures are not yet available.

Now each one of these thousand accidents occurring each month has a cause. Very many, I think most, of these causes are preventable. The task that presents itself then is that of deciding how, and when, and where to apply preventive measures that will eliminate accident causes.

It occurs to me that aside from those rare so-called "acts of God," such as sun-stroke and lightning, all accidents originate in one or the other of two great causes—either there is a mechanical cause, or there is a human cause. By mechanical causes I mean slippery floors, open hatches, unguarded gears, unprotected work places, improper equipment, faulty tools and tackle, and all the other dozens of things and places that can be so protected by mechanical means as to largely foreclose the possibility of accident. By human causes I mean carelessness, lack of foresight, slovenly work, unnecessary rush, improper training, physical imperfection, such as poor hearing or bad vision, and a dozen other elements of the mental equation. These may be due to the workman himself, or they may be, and sometimes are, due to some phase of this human equation in his superior—the hatch boss, the foreman, or the superintendent.

I can think of but one way to combat the mechanical causes of accidents, and that is to so continually improve and safeguard all the mechanics of the various operations that mechanical imperfection is eliminated. This is much easier said than done. Nobody hopes for the attainment of such mechanical perfection in this great

port that there will be no accidents because of mechanical defects. It is possible, however, and it will be profitable as well, to gradually raise the mechanical standard and to fix the minimum standard below which it must not fall. This means, then, the working out and adoption on the part of all concerned of a safety code governing maritime work.

I doubt whether such a code should be drastic at the time of adoption. Better that there be a moderate and wholly reasonable code at first that will not be a red flag in the face of the employer, whose habit is to look on all changes with more or less skepticism. The world was not made in a day and it will not be revolutionized in any one movement. Once employers generally have adopted a safety code, results and benefits will begin to show, and then they will voluntarily and gladly raise the standards as the desirability of such action becomes manifest.

The adoption and effective enforcement of a safety code which will standardize and fix the minimum of safety required for mechanical operation in maritime work will not, however, solve the entire problem. There are still human causes that no written code will control or even largely affect. There is the ever-present human equation. The only way I know of to combat this side of the problem is through the most thorough organization on the part of the employers for the purpose of spreading safety propaganda of an educational nature. Men must be taught to avoid accidents. It is a difficult task, I know, but it is not an impossible task. The elimination of yellow fever and typhus appeared impossible twenty-five years ago, but is an accomplished fact today. The solution involved not only mechanical control of the causes, but education of great masses of people to the point where they naturally avoided these causes. What has been done with Central Americans can surely be done with workers in this port.

I presume that the purpose in inviting me here today was to obtain some expression relative to the program and policy of the United States Employees' Compensation Commission under the terms of the Act, which vests certain authority relative to safety in the Commission and lays certain duties upon it. I am not going to attempt to define the Commission's program or policy for the reason that my superior, Commissioner Smith, is here today. He can and will, I am sure, give you first-hand information. What I have said

today is said from the standpoint of a compensation administrator, who has abundant opportunity to learn of the pressing need for greater safety, but who does not have under the law any power or authority to act. All such power and authority is vested in the Commission at Washington, and not in Deputy Commissioners. A Deputy Commissioner is, therefore, interested in the movement in order that he may further in any legitimate way the policy of his superior, and to the end that he may render all possible service to both employers and employees.

In conclusion, may I congratulate the employers of this port on the excellent start that is now about to be made toward accident prevention and decrease of compensation costs. May I also thank the National Safety Council for the whole-hearted way in which it is ready to tackle a real problem. I am not so sanguine as to think that beneficial results will become apparent over night. Safety work is like music or advertising. It takes months, sometimes years, of never-ending, painstaking and intelligent effort to secure the desired result.

> The constant drop of water wears away the hardest stone;
> The constant gnaw of Towser masticates the toughest bone;
> The constant cooing lover carries away the blushing maid;
> And the constant advertiser is the one that gets the trade.

And so it will be with results in the safety work you are now organizing and launching.

Vocational Rehabilitation in the District of Columbia

THE Summers bill for vocational rehabilitation of industrial cripples in the District of Columbia (H. R. 13251), which passed the House at the last session of Congress, is now pending in the Senate. To date, **all but seven states—Connecticut, Delaware, Kansas, Maryland, Texas, Vermont, Washington—and the District of Columbia have accepted the provisions of the federal rehabilitation act.** Eight years of progress in forty-one states under federal-state cooperation in vocational rehabilitation of industrial cripples is one of the best arguments in favor of this much-needed legislation.

President of Cotton Manufacturers' Association Endorses Workmen's Compensation

PRESIDENT George S. Harris in his annual address before the American Cotton Manufacturers' Association at Richmond emphasized workmen's compensation, in urging members to assist the Institute's program for meeting mill problems.

Textile mill operators in the five non-compensation states may well give heed to the words of President Harris when he directed attention to the advantages of workmen's compensation over the outgrown system of employers' liability. After a brief discussion of the theory of compensation legislation, he continued: "Workmen's compensation has stood the test, and works well, while the old defenses have been eliminated. A counter-benefit was given the employer by limiting the amount of his liability to certain fixed sums based upon the actual earning experience of the person injured. The injured employee receives definite, prompt and assured compensation, and the employer is relieved of the danger of law-suits that may result in verdicts for damages, 'with the sky as the limit.'"

In stressing the vital importance of accident prevention work to reduce the number of industrial injuries, the speaker said: "Under accident prevention there is room for tremendous improvement, and the subject should receive the close attention of employers. From personal experience I can assure you that amazing results are possible with a little scientific effort. Mechanical protection counts, but it is the human element that is the greatest offender and this reacts remarkably to a campaign of education. Under workmen's compensation laws it is expensive to both the employee and employer when a man or woman is injured. It is an economic waste that affects the injured one, his employer and the industry as a whole, and I appeal to you to make this matter of serious importance in your management."

Thus the official spokesman for the outstanding industry in the South—cotton manufacturing—bears witness to the importance of workmen's compensation in meeting the problems of mill owners. The enactment of a compensation law administered by a commission and with modern provision for accident prevention and the compiling of accident statistics is the first and most important step to be taken.

State Legislative Commission Reports

WORKMEN'S Compensation laws are in effect in forty-three states. Within the past year official investigations into various aspects of six[1] of these laws have been authorized.

One of the most recent and extensive inquiries is that now being conducted in Nebraska. The commission which was authorized by the 1927 legislature is composed of representatives of labor, of employers and of the public. It is empowered to study the compensation law and make recommendations for its improvement. This action was taken following efforts on the part of the Manufacturers' Association to decrease the compensation benefits and limit the requirements for medical attendance. Among the problems which are receiving special attention are medical fees and hospitalization, state fund insurance and comparative cost of insurance. The recommendations of the commission have not yet been made available.

In Maine, the 1927 legislature created a committee "to make full investigation of the facts and phases of the operation during the last eleven years of the Workmen's Compensation Law of this State, and all elements and phases of the cost of workmen's compensation insurance in this State." Estimates submitted by insurance underwriters at the request of the committee indicate that the cost of reviewing the classifications and rates for the eleven-year period would approximate $60,000. The committee is withholding further action pending instructions from the Governor.

Commissioner McBride of the New Jersey Department of Labor is investigating through a representative committee the propriety of the Department's employing physicians in workmen's compensation work who are also retained by the insurance companies. This action is the result of organized labor's protest against this policy of the Department. In an open letter to Commissioner McBride, the counsel for the New Jersey State Federation of Labor stated that "some of your doctors treated injured workmen at their private office or clinics and that the bills for the treatment were paid by insurance carriers representing the employers; that some of your doctors did

[1] Kentucky, Maine, Nebraska, New Jersey, New York and Virginia.

this and also estimated, at your bureau, the disability of these same injured employees for the guidance of the referee in making his awards at informal hearings." The committee in its report condemned this dual practice and urged its speedy elimination.

Commissioner McBride took immediate action in accordance with the recommendation of the committee. The duty of estimating the extent of disability has been exclusively assigned to designated state physicians and they have agreed not to treat any compensation cases. The official doctors who have been placed in charge of rehabilitation work which includes medical treatment have been entirely relieved of disability estimating.

In this connection it is interesting to note that the 1927 New York legislature amended the workmen's compensation law, specifically providing that "no physician or surgeon employed in the department for the purpose of making examinations * * * shall, during such employment, be employed by or accept or participate in any fee from any insurance company authorized to write workmen's compensation insurance in this state or from any self insurer, whether such employment or fee relates to a workmen's compensation claim or otherwise * * *."

The Virginia Federation of Labor at the last legislative session endeavored to raise the present inadequate standards of the compensation law but the legislature refused to enact any bill which would increase the cost of workmen's compensation. Following this action, the legislature charged the State Corporation Commission with the duty of determining the fairness, reasonableness and adequacy of compensation rates. Insurance companies have been instructed to file annual reports on each insured risk showing compensation and medical losses paid and incurred, together with the premiums received and the rate charged. The Commission has allowed temporary revision of rates to remain in effect until November 30 when a general revision of all rates and classifications will be made. It remains to be seen if this action will remedy the extraordinary situation in Virginia where one of the most inadequate compensatition laws in the United States remains unimproved because of the high cost of insurance.

Following charges brought by the New York State Industrial Survey Commission that it had found evidence of fraud in claims

under the workmen's compensation law, Governor Smith appointed Professor Lindsay Rogers as a commissioner under the Moreland Act to investigate these charges. Testimony of witnesses called by Commissioner Rogers supported Governor Smith's characterization of this attack on the administration of the workmen's compensation law as a politician's "smoke screen."[2] In his report,[3] the Commissioner "interposed a word of warning in respect of the methods of work of the Industrial Survey Commission" in basing its recommendations upon a survey prepared by the National Industrial Conference Board at the expense of the Associated Industries, and pointed out the impropriety of the Survey Commission's "permitting its research work to be paid for by an organization of employers."

As a result of the great number of compensation law amendments submitted during recent legislative sessions in Kentucky, the 1928 General Assembly has created a commission of six to investigate and report in regard to "the present Workmen's Compensation Act and any defects therein, amendments thereto or bills which they desire to recommend to the 1930 General Assembly."

This brief recital records a development in several states that is interesting for a number of reasons. In some cases, officials are endeavoring to find adequate solutions to difficult problems as yet unsolved. Can it be that opinions in respect to proposed changes to existing laws are so at variance that the legislature has found it necessary to resort to investigations by specially created commissions in order to find the facts? But one of the important functions of an administrative board is to observe the law's workings and to report periodically to the legislature any defects or needed amendments. Why this increasing emphasis on the utilization of special legislative committees to perform this essential duty?

Here is additional evidence of the vital need for continued modification and adjustment to remedy existing defects and to meet new and changing conditions. A compensation law, if it is to function properly, must be brought up to date as increasing experience demonstrates the need for improving amendments. Constant vigilance is necessary to secure high standards of administration.

[2] See "Dispelling a 'Smoke Screen'," *American Labor Legislation Review*, Vol. XVIII, No. 1, March, 1928, pp. 49, 50.

[3] Report of Lindsay Rogers as Commissioner under Section 8 of the Executive Law, known as the Moreland Act, "to Examine and Investigate the Administration of the Department of Labor of the State of New York." Submitted to the Governor, June 15, 1928, Part II.

Another "Lame Duck" Congress

The "lame duck" session of the seventieth Congress, with its hold-over defeated members, meets this December in Washington.

—New York Times.

SPEAKING OF TRAFFIC HOLD UP!

"The Lame-Duck Session"

"IT is an absurd situation, and a situation all the more absurd because it is permitted to continue despite the fact that the remedy is so obvious. This remedy is an amendment to the Constitution providing that each new Congress take office within a short time after its election, in a regular session to begin either in December or in January."

—*From Editorial in the New York World.*

The Norris bill, embodying this plan, and urged by the American Association for Labor Legislation, with endorsement of the American Bar Association, will end the filibustering and opportunities for political plunder which has been countenanced for too long under a series of "lame duck" Congresses.

Fee-Charging Employment Agencies

Court Action Creates Emergency New Legislation Now Needed

JOHN B. ANDREWS

THE recent decision of the Supreme Court[1] that a state can no longer limit the fees to be charged by private employment agencies lessens public control of a business that to the general public has been known chiefly because of its abuses.

We learn from every investigation that commercial agencies, which make a business of charging fees for the service of finding jobs for unemployed wage-earners, are under certain peculiar temptations. An employment agency may be opened with the outlay of but little capital and the current expenditures may be very small. The least desirable of these agencies are often operated by persons without special training or skill in conducting a business of great importance to the community. Such agencies frequently deal with the weakest members of the community who, either through lack of understanding of their rights under the law, or because of their urgent need of a job, are no match for the cunning of the unscrupulous agency manager. The relationship between the agency and the applicant for work is usually not a continuous one, and the unscrupulous manager is therefore not to the same degree as in most businesses under the necessity of maintaining the good will of his constantly changing customers.

Among the principal forms of abuses have been:

1. **MISREPRESENTATION through false advertising or misleading descriptions of conditions of employment;**
2. **PETTY GRAFT—Requiring "gifts" or the use of facilities controlled by the agency;**
3. **DELIBERATE ENCOURAGEMENT OF LABOR TURNOVER—Collusion with gang-bosses and superintendents, or providing unsuitable jobs;**
4. **REFUSAL TO RETURN FEES when no work or unsatisfactory work is found. Also charging of exorbitant fees, which in the case of low grade clerical employees often amount to the entire first month's salary;**
5. **IMMORALITY—General unwholesome atmosphere of agency and sending women to houses of ill repute or similar resorts.**

[1] Ribnik v. McBride, 48 Sup. Ct. 545, May 28, 1928. See *American Labor Legislation Review*, Vol. XVIII, No. 3, September, 1928, pp. 279-280.

The fact that some able and honest men and women in this business have always suffered in reputation on account of sins of their less scrupulous associates, should lead them to welcome necessary new public regulation designed to raise the standard of the business as a whole. But whether or not the better managers of private employment agencies are willing to see necessary new laws enacted, **it is clearly the duty of the state to act promptly to protect the unemployed—the weakest element in the community—from the new threat of additional exploitation.**

It is possible now, as a result of the most recent court opinion, for one of the abuses—that of charging excessive fees—to be practiced unrestrained, and, if this should tempt an increased number of unscrupulous persons to enter this field, the situation may at any time become very serious.

For information and guidance at this critical time the public naturally turns first to the experienced men and women who conduct our public employment service. They, above all others, have had the opportunity to know conditions, and, in an exceptional way they have a responsibility to give their best thought and energies to the legislation that must now be formulated and enacted in most states. They should surely have clearly in mind the abuses practiced by fee-charging agencies; they know of progress made in some advanced states to check these evils; they can, of course, be relied upon to cooperate in the application of practical remedies.

Important among remedies attempted by various states and provinces in the past are three:

1. **The regulation, through licensing, of the opening of fee-charging agencies—according to the character of the applicant, the suitability of the premises, and the community need.**
2. **The fixing of the schedule of fees to be charged.**
3. **The prohibition by law of fee-charging.**

Discussing these historically, and very briefly but in reverse order:

Prohibition of fee-charging by law is impossible in the United States although practiced elsewhere. (Washington state law declared unconstitutional by U. S. Supreme Court, 1917, Adams v. Tanner, 244 U. S. 590.) In Canada, five provinces have already prohibited fee-charging agencies. In Germany and in other continental countries of Europe also, such agencies have been generally outlawed, and on account of the same type of abuses still practiced in America.

Fixing of fees is impossible in the United States although practiced elsewhere. (New Jersey state law declared unconstitutional by U. S. Supreme Court, May 28, 1928, Ribnik v. McBride, 48 Sup. Ct. 545.)

Regulation through public competition and through annual licensing is expressly permitted. (In Ribnik v. McBride, above, the U. S. Supreme Court pointedly proclaims that it is clearly within the power of the state to license employment agencies and to regulate their business. And in Brazee v. Michigan, 241 U. S. 340 (1916), the U. S. Supreme Court said: "The general nature of the business is such that unless regulated, many persons may be exposed to misfortune against which the legislature cannot properly protect them.")

In recent years the legislative program—whatever its final detail may be—has been shaping itself along two main lines:

1st—Increasing care in the licensing and inspection of fee-charging agencies; and

2nd—Increasing support of the public employment service.

The recent Supreme Court decision, brought about by organized efforts of a federation of fee-charging agencies, is a four-fold challenge to

(1) the public employment officials;

(2) the conscientious element in the fee-charging business;

(3) the general public that can speak through chambers of commerce, trade unions, the churches, and social welfare organizations; and

(4) the legislators.

A year ago the American Association for Labor Legislation wrote to state officials throughout the country calling attention to the attack then being organized by the fee-charging agencies against their regulation by the states. In many cases—although there were a few exceptions—the state officials then appeared quite unconcerned. And inasmuch as the Attorney General of New Jersey was then supremely confident of his ability to handle the legal case without any outside assistance, little could then be done. At the end of May when the destructive Supreme Court decision (Ribnik v. McBride) was handed down, another communication was sent and the interest by this time was keener. But in some states there still appears to be a lack of full understanding that, unless there comes a reversal of the

highest Court's divided opinion, **in future the fees charged by employment agents cannot be limited by the state.**

An employment service, according to six of the nine Justices of the United States Supreme Court in this recent case, is not sufficiently charged with a public interest to justify the fixing of the fees to be charged. "That business," says the Court, "does not differ in substantial character from the business of a real estate broker, ship broker, merchandise broker, or ticket broker." * * * "The interest of the public in the matter of employment is not different in quality or character from its interest in the other things enumerated." But the Court says that it does not admit of doubt that **the state can require a license and regulate the business of an employment agent.**

When asked recently to testify on this subject before the New York State Industrial Survey Commission I stated, in response to a question, that the majority Justices must have based their decision upon inadequate information. This is the view also of Justices Stone, Brandeis and Holmes. But the majority decision stands, and it is now necessary to face the new situation.

When called upon in New York by the official investigating commission, I recommended:

(1) That an applicant for a license be required to give at a public hearing satisfactory evidence of the need of an additional agency and to satisfy the State Labor Department as to both the character of the applicant and the suitability of the premises. This requirement is already in effect in at least two countries in Europe and in two states in America.

(2) That the yearly license fee (especially in the interest of more nearly adequate facilities for administration of the law) be substantially increased. (In Williams v. Fears, 179 U. S. 270 (1900) the U. S. Supreme Court held valid an annual license fee of $500 for an "emigrant agent.") In New York City, where more than 1,200 employment agencies were licensed last year, the total amount collected in license fees is insufficient for adequate supervision.

(3) That adequate personnel and appropriations be provided for healthy growth of the public employment service. Only $1,403,906 was provided last year through combined appropriations of federal, state and municipal governments for the maintenance of this important work through no less than 170 offices.[2]

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[2] See "Public Employment Office Appropriations," *American Labor Legislation Review*, December, 1928.

Increased appropriations in the United States, as in Canada, can perhaps best be secured through federal-state-municipal cooperation. In the present Congress legislation is pending which has had for years the hearty endorsement of numerous civic organizations and public officials. The Wagner bill (S. 4157) of this Congress is the Kenyon-Nolan bill of a few years ago.

The adoption of this measure by Congress and the states would provide resources several fold greater for the country as a whole than is now appropriated for the public employment service. An adequate permanent service would be possible if the pending legislation were adopted. Meanwhile, the various states are naturally to be urged directly to increase their appropriations.

But improved regulation, through licensing, is now—with competition—the most practicable means of directly meeting the immediate problem. Three points—judging from experience, and for legal reasons—should be bound up together in future state legislation for this purpose. **Before a license is granted the appropriate state authority should be satisfied, through a public hearing, as to:**

1. **The character of the applicant.**
2. **The suitability of the premises.**
3. **The community need for a new agency.**

These provisions have worked well in several countries of Europe, and in Wisconsin for fifteen years. New Jersey—the only state having a legislature in session since the recent Supreme Court's decision—has also adopted this method of regulation.

Public employment officials will probably be especially concerned during the next few months with the results of the Supreme Court dictum that the employment service is in the same category as the selling of cheese and theater tickets.

The fee-charging agents, through their own organization, have deliberately brought about this result, which is but one step in their program. Their campaign is aggressively planned and executed. Will the Public's employment officials, and the representatives of social welfare organizations, chambers of commerce, trade unions, voters' leagues, and the more conscientious managers of the private employment agencies—all cooperating with their representatives in the various legislatures—be equally resourceful and equally influential in asserting a general welfare attitude?

Important Provisions of the Pioneer Wisconsin Law Regulating Employment Agencies

Suggested Basis for Amendment to State Laws Regulating Private Employment Agencies

The extracts below are from chapter 178, the Laws of 1919 of Wisconsin, where these provisions have had the longest test in practical successful operation.

"Section 2394-93. It shall be the duty of the industrial commission, and it shall have power, jurisdiction and authority to issue licenses to employment agents, and to refuse to issue such license whenever, after due investigation, the commission or a majority of the members thereof finds that the character of the applicant makes him unfit to be an employment agent, or when the premises for conducting the business of an employment agent is found upon investigation to be unfit for such use, or whenever, upon investigation by the commission, it is found and determined that the number of licensed employment agents or that the employment agency operated by the United States, the state or by the municipality or by two or more thereof jointly in the community in which the applicant for a permit proposes to operate is sufficient to supply the needs of employers and employees. Any such license granted by the commission may also be revoked by it upon due notice to the holder of said license, and upon due cause shown. Failure to comply with the duties, terms, conditions or provisions of sections —— to——, inclusive, of the statutes, or with any lawful orders of the commission, shall be deemed due cause to revoke such license.

"Section 2394-94. The commission shall have power, jurisdiction and authority to fix and order such reasonable rules for the conduct of the business of any employment agent as may be necessary adequately to carry out sections —— to ——, inclusive, of the statutes; . . ."

Better Regulations Needed

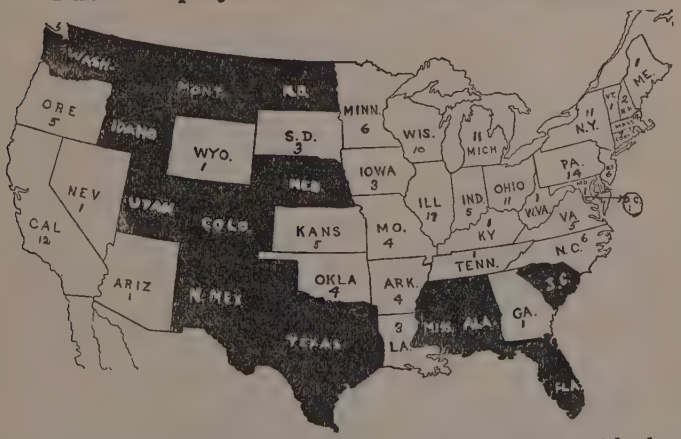
(From Editorial in the New York *World*.)

"THE need of better supervision over private employment agencies which charge fees for placing workers in jobs has been clearly established by the testimony of labor investigators of high repute before the State Industrial Survey Commission. In some instances the co-operation between unscrupulous agencies and unscrupulous employers for the exploitation of alien labor has led to conditions closely resembling peonage. * * * The adoption of the recommendations of Dr. John B. Andrews, Secretary of the American Association for Labor Legislation, that applicants be required to satisfy the State Department of Labor as to their character and the need of additional agencies, and that the fee be increased so as to limit the applicants to persons of greater financial responsibility, would go far toward mitigating the abuses."

Financing the Public Employment Service

ACCORDING to an investigation recently made by the American Association for Labor Legislation, the total amount appropriated[1] during the last fiscal year for the maintenance of public employment offices in the United States was $1,403,906. Of this amount, $1,203,906 was contributed by the various states or in some cases by the states with the aid of their county and municipal governments. The total amount appropriated by the federal government was $200,000. Of this amount, $73,000 was allotted in cash to the various states; $25,000 was allotted to cooperating offices for supplies, telephone, telegraph, travel and rents; $82,000 was allotted for the operation of the Information and Farm Labor Division;[2] approximately $20,000 for additional supplies which in part furnish

Public Employment Offices in the United States



Black states (13) have no public employment offices, with the exception of temporary offices opened during harvesting by the Farm Labor Division of the federal service.

White states (35) and the District of Columbia have public employment offices. Figures in white states indicate number of offices.

[1] In several cases where "no specific amount" had been appropriated but where offices were maintained and figures for "expenditures" were available, "expenditures" were called "appropriations" for the purpose of completing the picture for the country as a whole.

[2] The Farm Labor Division of the Public Employment Service is operated solely through the federal office. Service is extended to Arkansas, Arizona, Mississippi, Montana, Texas, Missouri, California, Washington.

the basis for the collection of the periodic employment information disseminated monthly by the federal office.

The $1,403,906, constituting appropriations from all sources, represents the maintenance of 170 public employment offices[3] in the United States. Offices maintained vary from one in each of eleven states, to 17 maintained in the state of Illinois. As will be seen later, thirteen states have no offices.

State, county and municipal appropriations, which constitute the significant part of the total vary all the way from $2,050 appropriated for the maintenance of one office in Nevada, the least densely populated state in the union, to $224,160 appropriated by Illinois. With the exception of the Farm Labor Division of the federal service extended to a number of western farming states, the following 13 states have no public employment offices—Washington, Utah, New Mexico, Colorado, Montana, Idaho,[4] Texas, Mississippi, Florida, South Carolina, Nebraska, North Dakota and Alabama. One office was opened in Wilmington, Delaware, three months before the close of the last fiscal year. It will be maintained by the city of Wilmington, the Federal government and various civic organizations.

Of what significance are these figures? Obviously a total financial appropriation of less than one and one-half million dollars yearly to maintain 170 public employment offices for the whole United States, is inadequate. If, for example, but one public office is maintained in a state having widely scattered industrial centers how will one community two hundred miles distant from the public office be adequately served? Or in a large industrial city where hundreds of private fee-charging agencies have sprung up how can two or three half-starved public agencies be expected to function effectively?

It is desirable that public employment offices be adequately equipped with trained placement interviewers whose job it is intelligently to interview and to place applicants. Yet only eight states reported that their employment office personnel included placement interviewers in addition to the clerical, stenographic and supervisory staff.

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[3] This does not include temporary offices which are established during the harvesting season west of the Mississippi by the Farm Labor Division of the federal employment service.

[4] Idaho and Montana give to the municipalities the responsibility for establishing public employment offices. Offices located in eight different points in Montana, however, were abandoned two years ago. No report of offices in Idaho was received.

The table below gives in comparative form detailed facts by states:[5]

Available Funds for the 170 Offices in the 35 States and the District of Columbia, from All Sources,[6] and Numbers of Offices Maintained the Last Fiscal Year.

States	Offices	Cash Available	States	Offices	Cash Available
Arizona	1	$4,960	Missouri	4	$32,640
Arkansas	4	5,880	Nevada	1	3,070
California	12	85,894	New Hampshire	2	4,760
Connecticut ...	7	51,020	New Jersey ...	6	83,496
Delaware	(1)	*	New York.....	11	195,502
Dist. of Col....	1	14,615	North Carolina.	6	21,600
Georgia	1	2,100	Ohio	11	145,600
Illinois	17	231,360	Oklahoma	4	9,780
Indiana	5	21,200	Oregon	5	13,495
Iowa	3	6,600	Pennsylvania ..	14	81,360
Kansas	5	15,240	Rhode Island.	1	4,900
Kentucky	1	1,560	South Dakota..	3	1,260
Louisiana	3	1,140	Tennessee	1	1,560
Maine	1	1,420	Vermont	1	1,238
Maryland	1	4,100	Virginia	5	11,720
Massachusetts..	4	68,810	West Virginia..	1	1,640
Michigan	11	35,397	Wisconsin	10	67,960
Minnesota	6	43,127	Wyoming	1	900

During the war emergency period the employment system was enlarged and strengthened so that approximately 800 offices covering every state were maintained on a total appropriation—federal, state and municipal—of over five and one-half million dollars. Federal aid was made possible as a war emergency measure for which the President allotted—in addition to the $250,000 appropriated by Congress—$825,000 from his national security and defense fund. In 1919, however, Congress appropriated only $400,000 for the continuation of the service. This amount was later cut to $200,000 at which figure the federal appropriation continued through 1927.[7]

[5] Report of funds for the three months of fiscal year not available.

[6] These figures include cash allotted from the Federal government to various states but do not include the parts of the federal appropriation allotted to the Farm Labor Division, the Information Division for supplies, rent and other items furnished to cooperating offices by the Federal government. In several cases municipalities were reported to have cooperated in furnishing offices, but no cash figures were given.

[7] It has been increased by $5,000 for the current fiscal year.

The Wagner Bill[8] if enacted by Congress would provide for an appropriation of $4,000,000 for the establishment of a nation-wide employment system. Not less than $3,000,000 would be allotted by the Secretary of Labor to the various states in accordance with their population. The allotted amounts would not be paid until the states provide for the maintenance of a system in cooperation with the federal employment service. A federal contribution of $3,000,000 for state aid, as compared with the $73,000 paid in cash to the states during the latest fiscal year, should make a significant difference in the extent and quality of the service. Appointment, by the President, of an adequately paid director, with subordinates selected on a merit basis through the classified civil service, will give to this important work a standing wholly different from that experienced in some localities during war-time conditions of hurried expansion and hectic appeals for men. **The states, in anticipation of more effective cooperation, have equally much to do if they are to meet the responsibilities imposed upon them to support adequately a service of great public interest.**

Report of President's Conference on Unemployment—Herbert Hoover, Chairman

"THE existing provision of the Federal Government and many State governments for all branches of such work (public employment offices) is inadequate, and **should be strengthened.** The work is of **first-rate importance,** and should be recognized as a job for men of first-grade ability from the top down. The director should be appointed directly by the President. Adequate salaries should be provided and adequate safeguards to secure the proper personnel and to protect the tenure of office."

[8] (S. 4157) The Kenyon-Nolan bill of earlier years.

RESOLUTION OF PUBLIC EMPLOYMENT OFFICIALS

Cleveland Convention, September, 1928

Whereas, The U. S. Supreme Court, in its recent decision denying the constitutionality of the restriction of fees and similar control of fee-charging employment agencies, **has run counter to the opinion of the majority of the states** expressed in existing laws; and,

Whereas, In the press and through the reports of many delegates to this convention **we have learned of the many abuses that have developed, since this removal of restraint,** in placements within the States as well as interstate, beyond the control of any State; and,

Whereas, The public employment service, both State and National, is charged by legislation and the demand of organized workers and organized employers, with the full responsibility of serving all requirements in this great field of public service and of keeping all workers gainfully employed; and,

Whereas, The facilities and funds granted to this work, both State and National, have not been comparable with those of Canada and many foreign countries and have not in the United States since the war, afforded sufficient facilities to serve the elementary duties imposed upon it, now therefore be it

Resolved, That we, the delegates in session assembled of this the Sixteenth Annual Convention (1928) of the Association of Public Employment Services do hereby heartily endorse the following program:

(a) That legislatures and the public of each State be at once acquainted by the delegates therefrom of the inadequate representation of the public interests by reason of meager facilities and appropriations;

(b) That the secretary of this association be directed to submit copies of this resolution to the Governor of each State and to the United States Secretary of Labor so that they may be advised of the local and national aspects of **the emergency problem resulting from unfair competition and the effects of our present industrial adjustments;**

(c) That this Association pledge itself to aid, by information and advice, **the program of education and legislation to protect the workers and employers from exploitation** by those present or future fee-employment agencies unfit, by training or moral responsibility, to deal with this matter of vital concern described by our legislatures and by the United States Supreme Court to be possessed of great public interest.

The Trend of Unemployment

MARGARET D. MEYER

IN the September issue of this Review[1] we showed how, according to the index of the Federal Reserve Board, employment and industrial activity appeared to have increased markedly from the beginning of the year until the early summer. We quoted also the manufacturing industries' employment index of the United States Bureau of Labor Statistics, which showed an unusually large seasonal increase for June over May and an index of employment for August which was but 1.4 per cent lower than August, 1927. Reports from these sources are still favorable—the Federal Reserve Board's manufacturing employment index dropped to 88 in July but returned to 90 again in August and reached 91 in September, which is only one per cent below September, 1927. Industrial production rose to 112 in August and reached 115 in September, a point never exceeded during the history of this index, which extends back to 1922.[2] The general index of manufacturing employment of the United States Bureau of Labor Statistics increased from 86.0 in August to 87.3 in September, which was only 7 per cent below the index for September, 1927.

According to the Index appearing in the November issue of the *Constructor*, the volume of construction performed during October declined twenty-three points from September, but was the greatest for October for any year on record.

The recent issue of the Industrial Bulletin for New York State in referring to the employment and payroll figures for September as the "highest reached this year," says, "In any case there is ample evidence of partial, if not complete, recovery from the slump of last winter."[3] Calls from employers for workers at the State Employment Office were reported in the Bulletin to have greatly increased.[4]

Although the index of employment on class I steam railroads in the United States was 6.4 per cent higher in July, 1928, than in the previous February, the July, 1928, figure was lower than any other month during the period for which the index extends.[5] And we

[1] See "The Trend of Unemployment," by Margaret D. Meyer, *American Labor Legislation Review*, Vol. XVIII, No. 3, September, 1928, pp. 276-278.
[2] See Federal Reserve Board Bulletin, November, 1928.
[3] See The Industrial Bulletin, October, 1928.
[4] Ibid, p. 407.
[5] See *Monthly Labor Review*, October, 1928, p. 157.

have reports of other tendencies indicative of not quite such a continued state of prosperity as the previously quoted reports taken alone might tend to portray. In an address before the National Restaurant Association in October, Mr. H. C. Baldwin, of the Babson Statistical Organization, characterized the present situation in the United States as one of "workless prosperity." Mr. Baldwin contended that the explanation of a level of employment lower than in previous years was due to the release of workers through inventions and labor saving devices. "Another important factor," continued Mr. Baldwin, "is the exportation of gold and its effect on the financial situation. * * * The real cause of tight money is found in gold movements. If the outflow of gold continues, and most of the pressure is that way, it will ultimately deflate the present stock market."

The contention that banking and money market conditions are tending toward uncertainty is also held by Leonard P. Ayres, Vice-President of the Cleveland Trust Company. "These conditions," he says, "are not merely temporary and artificial, nor are they the result of an unnecessary and undignified quarrel between the Federal Reserve System and the Stock Exchange. They are primarily the result of a large and rapid outflow of gold, and partly the aftermath of a great outburst of stock speculation staged at a singularly unpropitious time."

Benjamin Baker in *The Annalist,* October, 1928, says, "Current records do not indicate anything definite in the way of declining prosperity. But, equally, they fail to point at all conclusively to a rising tide of business activity." Mr. Baker calls attention to the fact that although steel and iron production in the Pittsburgh and Youngstown district is about 90 per cent capacity, shipments are greater than incoming orders. This means an inevitable decrease in production unless a new drive by producers stimulates orders. Total freight loadings for the year ending October 6, 1928, Mr. Baker points out, are smaller by nearly a million cars than loadings for the same period in 1927. Automobile and truck production declined 8 per cent from September to October, which is 3 per cent greater than the "normal" seasonal decrease of 5 per cent. He also cites a marked slowing down in the used car market. Mr. Baker assures us that it is not his purpose to predict a depression, but "it is wise," he says, "to be reasonably realistic, and to take account of

whatever retrograde or depressive tendencies may exist in a generally cheerful and forward movement." He also queries as to what will happen "when business has to face the recession which sooner or later seems the inevitable sequel of the present prolonged high level of money rates. Such a condition," he reminds us, "has always been followed by marked slackening and there is no apparent ground for thinking that the usual penalty will not be imposed."

Unemployment Insurance

AT the meeting of the Casualty and Actuarial Society, May 24, at Philadelphia, Dr. I. M. Rubinow, at one time compensation insurance expert and now director of the Jewish Welfare Society of Philadelphia, dealt with the question: "Can Insurance Help the Unemployment Situation?"

Dr. Rubinow stressed the need for an accurate measurement of the extent of unemployment. He defended the European systems of social insurance, particularly the so-called "dole" in England, which, as he emphasized, has most certainly averted a national crisis, despite the fact that it has been so grossly misrepresented in this country. Even if we concede the English system to be 75% insurance and 25% charity, urged Dr. Rubinow, we must certainly admit it to be a better alternative than the method of 100% charity which would be necessary to avert a similar crisis in the United States.

The problems involved in the establishment of a system of unemployment insurance are numerous and complex but are not such, contended Dr. Rubinow, as could not be dealt with by actuarial experts.

"I am confident that **it is quite possible to greatly reduce, if not to entirely eliminate, unemployment.** I believe that it is the duty of our industrial leaders to apply themselves to this end, such duty being dictated not alone by good morals but also by sound economics."—L. J. Horowitz, *President of the Thompson-Starrett Company, in Forbes' Magazine.*

"Prosperity Reserve" Bill Still Before Congress

THE Jones "prosperity reserve" bill (S. 2475), favorably reported by the Senate Committee on Commerce last spring authorizes Congress to appropriate $150,400,000 in addition to the amount normally appropriated for the construction of public works—including rural post roads, river and harbor improvements, flood control and public buildings outside the District of Columbia.

The principle of long range advance planning of public works has for years been supported by economists, leading business men, public officials, engineering societies and the American Association for Labor Legislation. The most important recent support the principle has received is President-elect Hoover's alleged endorsement of Governor Brewster's message to the Governors' Conference at New Orleans, reported elsewhere in this REVIEW.

In view of the significant indices of business uncertainty which are recognized by certain leaders in the field of banking and finance,[1] the "prosperity reserve" bill deserves immediate enactment. The bill provides that the public construction for which the additional appropriation would be used should be undertaken whenever the volume of construction in the United States, based upon value of contracts, has fallen twenty per cent for a three month period below the average for the corresponding period of the preceding three years. As was pointed out by Otto T. Mallery in a previous issue of this REVIEW,[2] at least twenty-seven other industries are dependent for a good part of their prosperity upon public works construction—iron and steel, lumber, cement, brick, stone, lime, slate, glass, asphalt, transportation, fuel, etc. Workers employed in these twenty-seven industries in times when business activity has fallen off will also be able to buy coats, shoes, automobiles and thus keep the wheels of industry moving.

Post election apathy must not allow this measure to be forgotten. Nor should anyone be deceived into thinking this bill, when enacted, will be more than a mere official recognition of the principle.

[1] See p. 410 of this REVIEW.

[2] See "'Prosperity Reserve' of Public Works Needed to Combat Unemployment," by Otto T. Mallery, *American Labor Legislation Review*, Vol. XVIII, No. 1, March, 1928, pp. 76-80.

Public Works for Periods of Depression "Stabilize Prosperity"

(EDITOR'S NOTE: Increasing public attention is being given to the principle of long-range planning of public works, as embodied in the Jones bill (S. 2475) now pending in Congress, and as long urged by the Association for Labor Legislation. Aspects of this problem were set forth by Governor Brewster of Maine in an address before the New Orleans Conference of Governors on November 21, 1928, delivered, it was alleged, at the request of Herbert Hoover as an authorized exposition of a part of the President-elect's program for stabilizing prosperity.)

"IN Egypt people suffered when there was a famine. In America people suffer when there is a glut," said Governor Brewster.

"What is called over-production fills our storehouses. Factories close down. Men walk the streets and starve not because there is too little, but because there seems too much. Supply outruns demand. * * *

"Unemployment at times has meant a decline of five billion dollars in the capacity of the American people to buy. No one wants this. * * * Factories want work. Laborers desire employment. Merchants wish to clear their shelves.

"The vicious cycle is increased in its downward plunge by the lack of purchasing power of the ever broadening groups who find themselves without opportunity for employment of any kind. With their pockets bare they enter upon a starvation existence that very greatly prolongs the period within which the surplus materials may be consumed and the wheels of industry again begin to whirl. * * *

"With an annual expenditure of seven billions upon construction, America is in a position to stabilize prosperity to a most remarkable extent. * * * **It is the considered recommendation of the one who has received the overwhelming mandate of the American people to guide and guard their progress in the next four years that a construction reserve may prudently be accumulated in time of plenty against the lean year that is to come.**

"This involves simply the provision of the necessary funds or credit to be released when indexes shall indicate the need and such designation of projects as may commend itself to the authority concerned.

"No infringement of legislative prerogatives is involved since no project may be carried out except as the legislature may direct although the rapidity of the construction program within defined limits may be accelerated or retarded to synchronize with the national and local need. Creation of such a construction reserve is one of the best forms of insurance against the panics of our past. It may not be a cure-all but it certainly will alleviate our ills. In some measure it is possible to do for employment what the federal reserve system has done for finance and with equal advantage to the country as a whole.

"Picture the approach of an economic crisis with unemployment threatening on every hand. The release of three billions in construction contracts by public and quasi public authority would remedy or ameliorate the situation. * * * Federal indexes are already becoming available that remove the problem from the domain of speculation or opinion and place the need upon a basis of simple facts. * * *

"Follow the flow of those three billions to the contractor, to the laborer, to the material men, to the factory, to the factory employees, to the merchants, to the farmer. It goes like the house that Jack built and unemployment is at an end."

These views of the way in which the states and other public authority may cooperate with the Federal government in controlling in some measure construction work for the common good were presented to the Conference of Governors, Governor Brewster alleged, **"at the request of Herbert Hoover as an authorized exposition of a portion of his program for stabilizing the prosperity of the United States.**

"In requesting the presentation of this project to the Conference of Governors, Mr. Hoover emphasized the importance of establishing cooperation between federal, state, and municipal governments. * * * Cooperation is the keynote of the new economic day. * * * Organization for prosperity is the next lesson that America may teach the nations of the world."

"General business can be permanently prosperous only when millions of people—that is, the masses—have buying power. Their purchases add to the prosperity of merchants, and the larger orders of merchants make the manufac-

turers prosperous, and factories running at higher capacity enable more workers to earn more money. It is a happy cycle in which prosperity begets prosperity."—*Edward A. Filene.*

"Mass production is but one leg—the other is mass consumption."—*New York Herald-Tribune.*

"Labor is the keystone of the economic arch, providing on the one hand the human effort required to produce and distribute goods, and on the other, the buying power necessary to purchase and consume these goods. The prosperity of business, therefore, depends inevitably upon the prosperity of the workers."—*J. Frederic Dewhurst.*

For Child Welfare Service

THE Newton Bill (H. R. 14070) is now before Congress, pending the expiration of the Federal Maternity and Infancy Act in June, 1929. The bill provides for an annual appropriation of $1,000,000 for a Child Welfare Extension Service in the Children's Bureau to "promote the welfare and hygiene of mothers and children and aid in the reduction of infant and maternal mortality." It makes possible the continuance of activities undertaken under the Sheppard-Towner Act; local experiments which communities would be unable to do alone; and would further new methods of promoting maternal and child hygiene.

Studies of maternal and infant hygiene work carried on in the states under the Sheppard-Towner Act[1] have conclusively shown that there is a great remaining need of even wider demonstration and that without financial help from the Federal government much of the present accomplishment will be lost. The American Association for Labor Legislation has consistently supported this important education work—and favors its continuance.

A Common Hope

WE don't know which of the campaign promises the President-elect intends to make good first, but we rather hope it will be the one to abolish poverty.—The *Ohio State Journal.*

[1] Made by the American Child Health Association, the Maternity Center Association, the Elizabeth McCormick Memorial Fund and the League of Women Voters.

Seeing Ghosts and Rattling Skeletons

UNDER the provocative title "A Skeleton in Industry's Closet" the National Consumers' League has issued a pamphlet. The sub-title is Youths' Compensation for Industrial Injuries, but the text in this instance goes much further than compensation for injured children and reveals some misunderstanding of the purpose and effect of certain general compensation law provisions. On page eight, for example, an erroneous impression is given through failure to explain that the so-called "elective" laws, although not directly compulsory, are no less effectively compulsory in practice. Treating acceptance of these laws in 31 states as **"a matter of choice,"** when the common law defenses of the employers are removed, must indeed excite a sardonic grin from such employers.

Again, a paragraph on page fourteen dealing with weekly minimum limits concludes: "If, however, the disability is temporary he receives only his actual wages where these are less than the minimum." This is under bold face type exclaiming: "Incredibly, the amounts actually payable may go lower than these paltry minimums." The danger of paying workers during temporary disability a larger weekly cash compensation benefit than they would receive as wages while working, has, of course, always been avoided in drafting compensation legislation. Rattling all the many bona fide skeletons may be encouraged but surely no constructive purpose is served by seeing ghosts that are not there! Compensation legislation is complex and somewhat technical. It is a pity to confuse by wrong impressions.

This pamphlet, in so far as it relates specifically to the failure of some of the state compensation laws to include child workers injured while illegally employed, should be of service. It is only fair, however, to point out that leaders in child labor reform often objected to the inclusion of such children, believing larger indemnity could be had through suing the employer for damages.[1] Their mistake has been demonstrated by experience, and while certain other kinds of labor legislation have fallen by the way, workmen's compensation has gone steadily forward with very substantial accomplishment and has been sustained by the highest court.

[1] The Association for Labor Legislation has for several years had a standard amendment on "Extra Compensation for Children Injured While Illegally Employed," which it has brought yearly to the attention of legislators, with increasingly good results. But as late as January, 1928, the outstanding child welfare organization in a prominent New England state refused to endorse this simple amendment, preferring to "study accidents to children."

Cold Weather Increases Mining Hazards

By Scott Turner
Director, United States Bureau of Mines

WITH the approach of cold weather, and the consequent working of coal mines to full capacity, it is urgent that bituminous mine operators review their safety problems, with special attention to rock-dusting the mines as a means of preventing coal-dust explosions. At this season, coal-mine passage ways tend to become dry, with resultant dangerous accumulations of coal-dust. **Rock-dusting is a proven method of preventing coal-dust explosions, and mine operators who have not yet adopted rock-dusting should by all means do so,** both as a moral obligation and as a form of business insurance in the protection of life and prevention of destruction of property in their mines. * * *

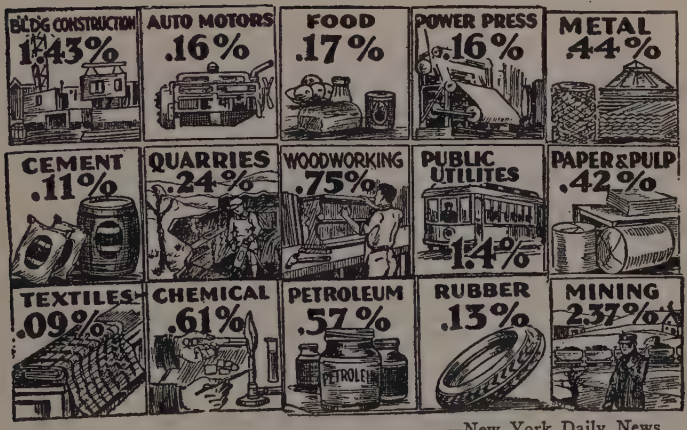
The principal recommendations of the Bureau of Mines, published in "Tentative Specifications for Rock-Dusting to Prevent Coal-Dust Explosions in Mines," Serial 2606, and in "Rock-Dusting in Coal Mines," Information Circular 6030, covering the American Engineering Standards Committee's report, call for rock-dusting in all passages or entries and in all rooms and pillar workings to within forty feet of the face, the rock-dust to cover top, floor, sides, and timber. As additional defense Mine Safety Decision No. 5 of the Bureau of Mines also recommends: "That rock-dust barriers be used to sectionalize the mine; these should not be regarded as a substitute for generalized rock-dusting."

As concerns the size of particles of rock-dust, all should pass through a 20-mesh sieve, and 50 per cent or more should pass through a 200-mesh sieve; also the rock-dust should not contain more than 25 per cent of free silica. A white dust like limestone or gypsum is preferable, as such dusts increase illumination and make it easier to discern subsequent depositions of coal-dust.

The most important specification states that the percentage of inert or incombustible material in the mine dust in every part of the mine shall be maintained at least 55 per cent or more, and in parts of the mine where methane is found in the ventilating current,

the amount of incombustible material shall be raised 10 per cent for each one per cent of gas.

It has been found that one of the most important aids to effective rock-dusting—the systematic taking of samples of the mine dust at least once a week, analyzing or determining by a volumeter the noncombustible content, and recording same in a record book to insure that rock-dusting is being properly done. Another excellent practice towards maintaining rock-dusted surfaces in safe condition is the use of sprays on machine cutting chain and the wetting of mine cars in transit. This prevents coal-dust getting into the air and being distributed, which requires more rock-dust to neutralize. Thus the danger is decreased and the cost of preventing coal-dust explosions lessened.



—New York Daily News.

Graphic Illustration of Industrial Hazards

Percentage of accidents per 100,000 workers in the various industries, based upon Associated Press figures.

Experience at Mather a Costly Teacher

OUTSTANDING among coal mine catastrophes during the first eleven months of 1928 was the tragedy on May 19, at Mather, Pennsylvania, where 195 miners were killed as a result of a coal dust explosion.

Merely **one item in the community cost** of this disaster is the approximately **$800,000** to be paid to the dependent widows and children under the state law for **accident compensation.**

"Nearly the entire population underground was wiped out, which means a large mining settlement converted into widows and orphans, a community plunged into agonized distresses."

This mine was partially rock-dusted. Otherwise the loss of life and the property damage would have been greater. The explosion occurred in a part of the mine which had not been rock-dusted. The explosion wave swept through the unprotected courses, deranging the ventilation system, and permitting the dreaded after-damp to do its deadly work.

One newspaper editor, upon learning that some rock-dusting had been done, unfortunately assumed that the experience at Mather was "regardless of all that man can do" and that "the utmost that human knowledge and precaution can accomplish falls lamentably short of adequate safeguard." But the truth is that only a part of the mine had been safeguarded by rock dust—**"the most effective method known of minimizing the danger of a coal dust explosion spreading throughout a mine,"** as the Philadelphia *Bulletin* correctly pointed out. It was in the unprotected area that the dust explosion was projected.

The United States Bureau of Mines and the American Association for Labor Legislation have long urged the necessity of **thorough rock-dusting.** The Mather mine experience may well be taken to heart by all coal companies. And **legislators in a score of states this winter should recognize that nothing short of compulsory rock-dusting, thoroughly done and periodically inspected as to adequacy, will finally prevent the needless heavy loss of life due to coal dust explosions.**

Standard Rock-Dusting Bill to Prevent Coal Mine Catastrophes

(EDITOR'S NOTE: This standard draft of a bill for uniform state legislation, providing rock dusting to prevent needless coal dust explosions, is based on the "standard practices" recommendations of the American Engineering Standards Committee. These recommendations were thus formulated after the most careful consideration by representatives of the following organizations: American Association for Labor Legislation, American Institute of Electrical Engineers, American Institute of Mining and Metallurgical Engineers, American Mining Congress, Associated Companies, Coal Mining Institute of America, Mine Inspectors' Institute, National Coal Association, National Safety Council, United States Bureau of Mines, United States Department of Labor. The standard bill itself is being introduced in legislatures throughout the coal-mining states, and the American Association for Labor Legislation is especially calling attention to this draft as forming the basis for well-considered legislative action.)

AN ACT TO AMEND, ETC. * * * BY REQUIRING THAT CERTAIN MINES BE ROCK DUSTED.

Be it Enacted etc. * * *:

SECTION 1. **Definitions of Terms Used.**

(1) The term "mine" shall include all underground excavations from which coal is hoisted or transported to the surface, through one or more openings.

(2) The term "main haulage" shall include all underground slopes and planes, all rock tunnels, and all entries excepting those from which rooms or chambers are turned.

(3) The term "entry" shall include all underground haulageways, travelingways and airways, excepting working places as defined below.

(4) The term "working places" shall include:

(*a*) Rooms or chambers; from the entry or gangway rib to the face of the room.

(*b*) Entries; from the outside of the last crosscut turned to the face of entry.

(c) Crosscuts or break-throughs, which are being driven between entries or rooms.

(*d*) All pillar work.

(5) The "return air" is the ventilating current, or split of same, from the point of passing the last regular working place in the section of the mine which it has been ventilating since leaving the intake to the point of union with the main return.

(6) "Exposed electric circuits" means any conductor or conductors of the electric circuit in the mine, other than trailing cables of permissible machines, which by virtue of their location are liable to be damaged by falls of roof, wrecks, etc., which may cause sparks or arcs in the mine atmosphere.

(7) An "solated panel" is a separate portion of a mine, consisting of one or more room headings, surrounded by a continuous pillar except where connected with the rest of the mine by not more than two sets of haulage and airway entries.

SECTION 2. **Mines to be Rock Dusted.**

Every owner, agent, manager or lessee of every mine producing bituminous coal, or lignite of any grade, and which is subject to the inspection of the (State Department of Mines), shall provide in accordance with the following provisions, that such mine be rock dusted unless all fine coal particles on the floor, ribs, roof and timbers, in the estimation of the (State Department of Mines), are maintained in a muddy condition.

SECTION 3. **Parts of Mine to be Dusted.**

(1) Rock dust shall be distributed on all ACCESSIBLE underground openings, including all entries to the last break-through, all crosscuts or break-throughs, and all rooms and pillar workings, to within 40 feet of the face, or to the last break-through; and haulage ways or return airways where hauling or traveling is done should be kept particularly well rock-dusted. The rock dust must be distributed upon top, bottom and sides of all accessible places.

(2) To supplement rock dusting and aid in reducing quantity of fine coal dust in mine air the working face region shall be kept wet by using water on the cutting chain of all machines while cutting and by wetting the top of loaded coal cars before they leave the face and by wetting the coal pile as well as the face region surfaces back to the last break-through, the water to be piped to the face region and sufficient hose supplied the face workers to allow of readily reaching the above-mentioned face region with ample supply of water.

SECTION 4. **Kind of Dust to be Used.**

(1) The kind of dust to be used shall be as specified by the United States Bureau of Mines and subject to the approval of the (State Department of Mines).

(2) It shall not contain more than 5 per cent of combustible matter, nor more than 25 per cent of quartz or free silica particles, nor absorb moisture from the air to such an extent as to cake and destroy its effectiveness as a dry dust.

(3) It may be made from limestone, dolomite, gypsum, anhydrite, shale, talc, adobe, or other inert material which meets the foregoing specifications. The lighter colored dusts are preferred.

SECTION 5. **Size of Dust to be Used.**

The dust to be used shall be pulverized so that 100 per cent will pass through a sieve having 20 meshes per linear inch, and 50 per cent or more will pass through a sieve having 200 meshes per linear inch.

SECTION 6. **Amount of Dust to be Used.**

In all places where rock dust is distributed, enough shall be used so that the percentage of incombustible material in the samples of dust collected shall be maintained at least 65 per cent. Along rock-dusted portions of rooms, or

entries, or gangways where methane or other inflammable gas is found in the ventilating current, the amount of incombustible material above specified shall be raised approximately 10 per cent for each 1 per cent of gas.

SECTION 7. **Sampling Dust.**

At least thirty samples of dust shall be gathered every month from the road, roof, rib and timbers, and tested, to determine if any part of the mine requires redusting. The road dust should be sampled separately from the dust on rib, roof and timbers. Any method of analyzing or testing recommended by the U. S. Bureau of Mines, and approved by the (State Department of Mines), may be employed.

SECTION 8. **Record of Sampling.**

(1) A written record shall be entered in a book kept for that purpose in the mine office, showing the location at which samples have been taken, and the results of the analyses.

(2) A map of the mine shall be kept posted to show the extent of rock dusting.

SECTION 9. **Penalty.**

Every owner, agent, manager or lessee who violates any of the above provisions or fails to comply with any of the duties imposed upon him by this Act, shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars or by imprisonment of not less than sixty days nor more than one year, or by both such fine and imprisonment.

SECTION 10. This Act shall take effect * * *.

Continued mine explosions in West Virginia have converted the State Department of Mines to the necessity of compulsory **rock dusting.** The operator now has the option of rock-dusting, "wetting down" or using some other method of laying the coal dust.

On October 22, 1928, six coal miners were killed in a mine disaster at McAlpin, West Virginia. October added 182 coal mine fatalities to make up the first ten months' total of 1,771 lives lost in this industry.

Pioneers in Rock Dusting

Roll of Honor of Coal Companies Using Rock Dust to Prevent Coal Dust Explosions

296 Companies in Eighteen States and Canada!

(EDITOR'S NOTE: When in December, 1922, after calling attention to the increasing toll of lives in coal mine disasters, the American Association for Labor Legislation opened its present campaign for the adoption of preventive measures, it was able to secure from federal and state official sources the names of only three coal companies in the United States and Canada that were using rock dust to prevent coal dust explosions. As the campaign has progressed during the past six years, the Association has been informed of the installation of rock-dusting methods by at least 293 additional companies. Such companies should be commended for taking the lead in the adoption of this simple, reasonably inexpensive and effective safeguard against disasters. Following is the list, as of November 1, 1928, of coal companies that have equipped one or more of their mines with the rock dust safeguard, or have begun to install it.)

ALABAMA—31

Gulf States Steel Company—Sloss-Sheffield Steel and Iron Company—De Bardeleben Coal Corporation—Galloway Coal Company—Yolande Coal and Coke Company—Davis Creek Coal and Coke Company—Tennessee Coal, Iron and Railroad Company—Newcastle Coal Company—Alabama By-Products Corporation—Franklin Coal Mining Company—Alabama Fuel and Iron Company—Republic Iron and Steel Company—The Roden Coal Company—Birmingham-Trussville Iron Company—Porter Coal Company—Southern Coal and Coke Company—Little Gem Coal Company—Little Cahaba Coal Company—Railway Fuel Company—New Connellsville Coal and Coke Company—Stith Coal Company—Woodward Iron Company—Consolidated Coal Company—Black Diamond Coal Mining Company—Blocton-Cahaba Coal Company—Brookside-Pratt Mining Company—Montevallo Coal Mining Company—Peerless-Cahaba Coal Company—Blocton Red Ash Coal Company.

COLORADO—12

Victor American Fuel Company—Royal Fuel Company—American Smelting and Refining Company—Alamo Coal Company—Colorado Fuel and Iron Company—South Canon Mine Leasing Company—Barbour Coal Company—Gilson Asphalutum Company—Calumet Fuel Company—Caliente Coal Company—Oakdale Coal Company—Rifle Coal Mines, Inc.

GEORGIA—1

Durham Coal and Iron Company.

ILLINOIS—17

Old Ben Coal Corporation—Valier Coal Company—Union Colliery Company—Madison Coal Corporation—Chicago, Wilmington and Franklin Coal Company—Peabody Coal Company—Industrial Coal Company—Crerar-Clinch Coal Company—Cosgrove-Meehan Coal Company—Bell and Zoller Mining Company—Forrester Coal and Coke Company—Illinois Coal Company—Consolidated Coal Company—St. Louis Coal and Iron Company—Moweaqua Coal and Manufacturing Company—Franklin County Coal Company—Brewerton Coal Company.

INDIANA—14

Eureka Coal Company—Shirkie Coal Company—Binkley Coal Company—Sugar Valley Coal Company—City Coal Company—Princeton Mining Company—Knox Consolidated Coal Company—Old Knox Mining Company—Starco Coal Company—Templeton Coal Company—Vandalia Coal Company—Vigo Coal Mining Company—Horton Coal Company—Big Vein Coal Company.

KANSAS—15

Hamilton Coal and Mercantile Company—Wilbert and Schreeb—Krueger Coal Company—Mackie, J.—Clemens Coal Company—Frontenac and Pittsburg Co.—Vulcan Coal Company—Fulton Coal Company—Sheridan Company—Dittman-Wachter Company—Ryan-Reidy Coal Company—Western Coal and Mfg. Company—Young Coal Company—Champ Coal Company—Oberzan Coal Company.

KENTUCKY—13

West Kentucky Coal Company—Duvin Coal Company—Trio Coal Company—Diamond Coal Company—Pike-Floyd Coal Company—Leckie Collieries Company—Harlan Coal and Coke Company—Harlan Fuel Company—Blue Grass Coal Corporation—Hart Coal Corporation—Hart Coal Company—Norton Coal Mining Company—Renicke Coal Mining Company.

MARYLAND—1

The Davis Coal and Coke Company.

NEW MEXICO—5

Phelps Dodge Corporation—Gallup American Coal Company—St. Louis, Rocky Mountain and Pacific Company—Albuquerque and Cerrillos Coal Company—Gallup Southwestern Coal Company.

OHIO—5

Powhatan Mining Company—Wheeling Steel Corporation—Carnegie Steel Corporation—American Sheet and Tin Plate Company—Ohio and Pennsylvania Coal Company.

OKLAHOMA—10

Rock Island Coal Company—Superior Smokeless Coal Company—McAlester Edwards Coal Company—Messena Coal Company—Kali-Inla Coal Company—Milby and Dow Coal Company—Pierce Coal Company—Mullen Coal Company—Samples Coal Company—San Bois Coal Company.

PENNSYLVANIA—83

Inland Collieries Company—Pennsylvania Coal and Coke Corporation—Springfield Coal Mining Company—Eastern Coke Company—Tower Hill-Connellsville Coke Company—Republic Iron and Steel Company—Thompson-Connellsville Coke Company—Hecla Coal and Coke Company—Allegheny-Pittsburgh Coal Company—Consumers Mining Company—Hillman Coal and Coke Company—Pittsburgh Terminal Coal Company—Pittsburgh Coal Company—Westmoreland Coal Company—Peale, Peacock and Kerr—Lincoln Gas Coal Company—Creighton Coal Company—Ontario Gas Coal Company—Republic Collieries Company—West Penn Power Company—Oliver and Snyder Steel Company—Buckeye Coal Company—Pickands-Mather and Company—Berwind-White Coal Mining Company—Penelec Coal Corporation—Bethlehem Mines Corporation—National Mining Company—Maryland Coal Company—Pittsburgh Plate Glass Company—Barnes Coal Company—H. C. Frick Coke Company—Orient Coal and Coke Company—Ocean Coal Company—Keystone Coal and Coke Company—Vesta Coal Company—Crucible Fuel Company—Langeloth Coal Company—Pittsburgh and Eastern Coal Company—Carnegie Coal Company—Jos. H. Reilly Coal Company—Ebensburg Coal Company—Monroe Coal Mining Company—Imperial Cardiff Coal Company—Valley Smokeless Coal Company—Harwick Coal and Coke Company—Valley Camp Coal Company—Peabody Coal Company—Clarksville Gas Coal Company—Monarch Fuel Company—Davis Coal and Coke Company—Chartiers Creek Coal Company—Graceton Coal and Coke Company—Jamison Coal and Coke Company—Lilley Coal and Coke Company—Northwestern Mining and Exchange Company—Poland Coal Company—Edward Tomajko—Warwick Coal Company—Bird Coal Company—Jefferson and Clearfield Coal and Iron Company—Russell Coal Mining Company—Cherrytree Coal Company—Clearfield Bituminous Coal Corporation—Union Collieries Company—Pine Run Coal and Coke Company—New Field By-Products Company—Ellsworth Collieries Company—Hillman Gas Coal Company—Monessen Coal and Coke Company—Merimack Coal Company—W. J. Rainey, Inc.—Apollo Coal Mining Company—Allegheny Coal and Coke Company—Acme Coal and Coke Company—Avonmore Coal and Coke Company—Paulton Coal Mining Company—Shannopin Coal Company—Brush Creek Coal Mining Company—Consolidation Coal Company—Heisley Coal Company—Youghiogheny and Ohio Coal Company—Henderson Coal Company—Potter Coal and Coke Company.

TENNESSEE—1

Tennessee Coal, Iron and Railroad Company.

UTAH—16

Utah Fuel Company—United States Fuel Company—Columbia Steel Corporation—Royal Coal Company—Independent Coal and Coke Company—Car-

bon Fuel Company—Liberty Fuel Company—Peerless Coal Company—Spring Canyon Coal Company—Standard Coal Company—MacLean Coal Company—Lion Coal Company—American Fuel Company—Scofield Coal Company—Kenney Coal Company—Mutual Coal Company.

VIRGINIA—1

Stonega Coal and Coke Company.

WASHINGTON—1

Northwestern Improvement Company.

WEST VIRGINIA—53

Boone County Coal Corporation—Island Creek Coal Company—Byrne Gas Coal Company—Bethlehem Mines Corporation—Youngstown Sheet and Tube Company—Raleigh-Wyoming Coal Company—Pocahontas Fuel Company—Jamison Coal and Coke Company—New England Fuel and Transportation Company—Bertha Consumers Company—E. E. White Coal Company—Consolidation Coal Company—Glendale Gas Coal Company—Elm Grove Mining Company—Hitchman Coal and Coke Company—Windsor Power House Coal Company—Lake Superior Coal Company—Landstreet Downey Coal Company—Crab Orchard Improvement Coal Company—Elkhorn Piney Coal Mining Company—Kingston Pocahontas Coal Company—Ephraim Creek Coal and Coke Company—Davis Coal and Coke Company—Bottom Creek Coal and Coke Company—Stonega Coke and Coal Company—New River Company—Buffalo Thacker Coal Company—West Virginia Coal and Coke Company—Pond Creek Coal Company—Thomas Love Coal Company—C. C. B. Smokeless Coal Company—Connellsville By-Product Company—American Coal Company of Allegheny County—American Rolling Mill Company—Ben Franklin Coal Company of West Virginia—Continental Coal Company—Cosgrave-Meehan Gas Coal Company—Cranberry Fuel Company—Crown Coal Company—Dragon Coal Company—Lillybrook Coal Company—Logan-Chilton Coal Company—Wheeling Coal Company—Morgantown Gas Coal Company—Houston Collieries Company—Black Betsey Consolidated Coal Company—McKell Coal and Coke Company—Wheeling Steel Corporation—Woodland Coal Company—McKeefrey Coal and Coke Company—Costanzo Coal Company—Hatfield-Campbell's Creek Coal Company—Peerless Coal Company.

WYOMING—8

Union Pacific Coal Company—Kemmerer Coal Company—Diamond Coal Company—The Colony Coal Company—Blazon Coal Company—Owl Creek Coal Company—Gun-Quealy Coal Company—Ideal Coal Company.

CANADA—9

British Empire Steel Company—Dominion Coal Company—Hillcrest Colliery, Ltd.—International Coal and Coke Company—Crow's Nest Pass Coal Company—West Canadian Collieries—McGillvray Creek Coal and Coke Company, Ltd.—Luscar Collieries, Ltd.—Canmore Coal Company.

Old Age Pension Legislation

The Nebraska and the Ohio Federations of Labor at recent conventions favored state old age pension systems.

Under the Montana old age pension law of 1923, exactly 693 persons in 41 of the 56 counties received pensions amounting in the aggregate to $115,-399.96 during the calendar year 1927. Applications numbered 425, of which 293 were granted, 94 were denied, and 85 were cancelled during 1927. Meanwhile, 14 pensioners died.

The Wisconsin old age pension law was approved by the Langlade county board, November 22, 1928. An initial appropriation of $2,000 was voted. Since its enactment in 1925 the law has been accepted by six counties in Wisconsin—although it was revoked in Brown county after a year's operation.

Manitoba has recently begun the payment of old age pensions. Other Canadian provinces operating the old age pension law are British Columbia, Saskatchewan and Yukon.

Under the title "Shall Oregon Have An Old Age Pension Law?" a pamphlet issued by the Oregon Old Age Pension League urges adoption of an old age pension bill "to provide moderate pensions for those old folk whose lives proved them worthy of something more honorable at the hands of the state than dreary years in a poor house, and at less cost to the state." The pamphlet, compiled by Frank E. Davis, presents data on existing treatment of aged dependents by the various counties, which emphasize the need of statewide old age pensions.

In his poem "The Job," John Lee Higgins indicates the fate of many faithful old workers:

"For many years he worked in this one place,
Till fifty winters whitened in his hair;
And then they dropped him neatly with a phrase
That made him dumb, and he could only stare."

In a radio talk urging adoption of an old age pension law in Illinois, Guy Young, legislative representative of the United Mine Workers of America, declared: "We believe that the state owes to its citizenship, men and women who have assisted in producing the great wealth of their state, a decent, respectable living during their declining years in life, and labor proposes to see that those men and women who, because of misfortune, accident or the lack of an adequate wage during their working span which would enable them to lay by a sufficient amount to care for themselves in their declining years, shall not be forced into the gates of a public institution, to the poor-

house, the county farm, the county home or by whatever softening name they desire to apply to it."

The Newark Municipal Employment Bureau reports that, for the most part, the unemployment problem is now confined to the middle-aged, for whom it is becoming increasingly difficult to find work as factory after factory adopts age limitations.

At a recent "Graduate Fortnight" of the New York Academy of Medicine, Louis I. Dublin, of the Metropolitan Life Insurance Company, presented a paper which included the following: "We have recently calculated that if the present fertility (birth rate) and mortality (death rate) continue unchanged we shall have, ultimately, more than nine per cent of our population past sixty-five. And if, as seems very likely, our population becomes stationary, or a condition is reached when the birth rate and death rate actually balance each other, then we shall have a population in which 10.7 per cent will be sixty-five or over." The problem of caring for the aged looms as one of ever-increasing importance.

A proposed amendment to the constitution of Missouri providing for a police pension system in St. Louis was voted on at the past election and lost by a narrow margin.

Provision of bare necessities of life for homeless or otherwise dependent old men and women is becoming a more serious problem in New York City each year, according to the annual report of the Central Information Bureau for the Care of Aged maintained by the Welfare Council.

"The seriousness of this situation may be appreciated," says W. H. Matthews, chairman of the Welfare Council's section on Care of Aged, "when it is recalled that in a city like New York every sunset finds some old man or old lady—often an aged couple—suddenly deprived of their sole support; it may be a son or daughter killed in an accident; it may be the spending of the last dollar of their savings. * * * In many homes admission is restricted according to religious faith, membership in some fraternal order, occupation, place of residence, or by payment of a large fee."

"Standard Bill" for Old Age Pensions

(EDITOR'S NOTE: Following official investigations, notably in Pennsylvania, interest in old age pension legislation developed to a point late in 1922 where at least four organizations—three of them national in scope—were preparing drafts of bills. The Association for Labor Legislation proposed, in the interest of improved draftsmanship and more uniform legislation, that a representative conferenee bc held. Out of this effort there emerged one draft which has been called "the standard bill" and which was used as the basis of legislation adopted in six states and amendments in Alaska. It is recognized by all that each state should exercise care in adapting this form to local administrative and constitutional requirements, bearing in mind also the importance of simplicity and economy.)

A BILL

Providing for the Protection and Assistance of Aged Persons under Certain Conditions in the State of.....and Prescribing Penalties for Violation of the Pro-
(Fill in State)
visions Hereof and Making an Appropriation for the Carrying Out of Its Purposes.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of .....
(Fill in enacting clause and date .....
when law is to begin.)

Subject to the provisions and under the restrictions contained in this act, every person while residing in the State of.....shall be entitled to a
(Fill in State.)
pension in old age.

(*a*) That there shall be an old age pension commission, hereinafter termed "the Commission," which shall be composed of three citizens of the State of.....
(Fill in State.)
who shall be appointed by the governor for a term of four years, except that, of the members first appointed, one shall be appointed for a term of two years, one for a term of three years, and one for a term of four years. Each member of the Commission shall receive as compensation, in addition to the necessary expenses incurred in the performance of his duties, ten ($10.00) dollars per diem while actually engaged in the business of the Commission. Vacancies shall be filled for the unexpired term of the vacant position in the same way as the original appointments.

(*b*) The Commission shall appoint an old age pension superintendent, hereinafter termed "the Superintendent," who shall be a person having had experience and training in relief, familiar with the social and economic conditions of the State of.....
(Fill in State)
and qualified by reason of character, training, and experience.

(*c*) The Commission shall fix the salary of the Superintendent, which shall not exceed ..... thousand dollars per annum, and the Superintendent with the approval
(Fill in Amount.)
of the Commission shall appoint the necessary number of assistants and fix their duties and salaries within the appropriation by the Legislature.

(*d*) There shall be established in each county a county old age pension board, hereinafter known as "the Board," to consist of three persons domiciled in the County, who shall be appointed by the governor for a trem of four years, except that, of the members first appointed, one shall be appointed for a term of two years, one for a term of three years, and one for a term of four years. Vacancies shall be filled in the same way in which the original appointment was made. The members of the Board shall serve without pay, except that the necessary expenses incurred while in the performance of their duties shall be paid to them upon proper vouchers therefor.

(*e*) The Commission shall have authority to make such rules and regulations as are necessary to carry out the provisions of this act.

(*f*) The Board, from a list submitted to it by the Commission, may with the approval of the Superintendent, appoint one or more local investigators, who shall be trained and experienced in the problem of relief, at a salary for each of not to exceed ..... thousand dollars per annum.
(Fill in exact amount.)

(*g*) The Commission and the Board shall meet regularly every three (3) months and at such other times as may be necessary, at such places as may be fixed by the rules of the Commission.

Allowance

SECTION 2. The amount of pension shall be fixed with due regard to the conditions

in each case, but in no case shall it be an amount which, when added to the income of the applicant, including income from property, as computed under the terms of this act, shall exceed a total of one dollar a day.

Qualifications of Claimants

SECTION 3. An old age pension may be granted only to an applicant who:

(*a*) Has attained the age of seventy (70) years or upwards.

(*b*) Has been a citizen of the United States for at least fifteen (15) years before making application for a pension,

(*c*) Resides in the State of.....and,
(Fill in State.)

(1) Has so resided continuously for at least fifteen (15) years immediately preceding the date of application, but continuous residence in the State shall not be deemed to have been interrupted by periods of absence therefrom if the total of such periods does not exceed three (3) years, or,

(2) Has so resided forty (40) years, at least five (5) of which have immediately preceded the application:

Provided, that absence in the service of the State of..... or of the
(Fill in State.)
United States shall not be deemed to interrupt residence in the State if a domicile be not acquired outside the State.

(*d*) Is not at the date of making application an inmate of any prison, jail, workhouse, infirmary, insane asylum, county or district poorhouse, or any other public reform or correctional institution.

(*e*) During the period of ten (10) years immediately preceding such date has not been imprisoned for four (4) months or more, for any offense for which he was sentenced to prison without the option of a fine.

(*f*) For six (6) months or more during fifteen (15) years preceding the date of application for relief, if a husband, has not deserted his wife or without just cause failed to support her and his children under the age of fifteen (15) years; if a wife, has not deserted her husband or without just cause failed to support such of her children as were under age, and she was bound to support.

(*g*) Has not, within one (1) year preceding such application for pension, accepted public charity or been a professional tramp or beggar.

(*h*) Has no child or other person responsible under the law of this State for his support and found by the Board or by the Commission able to support him.

SECTION 4. (*a*) An old age pension shall not be granted to a person if the value of his property exceeds three thousand ($3,000.00) dollars, or, if married and not separated from husband or wife, if the value of his property together with that of such husband or wife, exceeds three thousand ($3,000.00) dollars.

(*b*) The claimant must not have deprived himself, directly or indirectly, of any property for the purpose of qualifying for old age relief.

SECTION 5. (*a*) The annual income of any property which does not produce a reasonable income, shall be computed at five (5) per cent of its value as determined by the Board.

(*b*) The income of the applicant shall be his income for twelve (12) months preceding the date on which his application was made.

(*c*) The property owned at the date of application for relief shall be taken as property of the applicant for the purposes of this act.

SECTION 6. (*a*) On the death of a person pensioned under this act or of the survivor of a married couple, both of whom were so pensioned, the total amount paid as pension together with simple interest at three (3) per cent annually shall be allowed and deducted from the estate by the court having jurisdiction to settle the estate and paid into the treasury of the State of.....
(Fill in State.)

(*b*) If the Commission deems it necessary to protect the interest of the State of ....., it may require as a condition to the grant of a pension
(Fill in State.)
certificate, that all or any part of the property of an applicant for a pension be transferred to the Commission. Such property shall be managed by the Commission, which shall pay the net income to the person or persons entitled thereto. The Commission shall have power to sell, lease, or transfer such property or defend and prosecute all suits concerning it and to pay all just claims against it and to all other things necessary for the protection, preservation, and management of the property.

(*c*) The Attorney General at the request of the Commission shall take the necessary proceedings and represent and advise the Commission in respect to any matters arising under this section.

How Administered

SECTION 7. An applicant for a pension shall deliver his claim in writing to the Board of the County in which he resides, in the manner and form prescribed by the Commission. All statements in the application shall be sworn to or affirmed by the applicant, setting forth that all facts are true in every material point.

SECTION 8. (*a*) The Board, directly or through an investigator, shall promptly make investigations and, if it approve the application, make a recommendation of the amount of the pension to be allowed, or if it disapprove, make a recommendation that no

pension be allowed, and shall send a copy of the application, its recommendation, and the reasons for its decision to the Commission with such supporting papers as the Commission may require. The Commission may thereupon make investigation as it sees fit through the Superintendent or through the Board making the recommendations, and may direct a rehearing before the Board, of which the applicant shall have at least ten (10) days' notice, and at which he *may* appear and offer evidence. The Commission shall decide upon the application, and fix the amount of the pension, if any, and its decision shall be final. An applicant whose application for a pension has been rejected, may not again apply for a pension until the expiration of twelve (12) months from the date of his previous application.

(*b*) For the purpose of such investigation the Commission, and the Board shall have the power to compel, by subpoena, the attendance and testimony of witnesses and the production of books and papers. All witnesses shall be examined on oath and any member of the Commission or of the Board may administer said oath.

SECTION 9. (*a*) The Commission shall issue to each applicant to whom a pension is allowed, a certificate for one year, stating the amount of each installment, which may be monthly or quarterly as the Commission may decide.

(*b*) A pension certificate shall be required for each subsequent year, to be issued by the Commission after such investigation as it may deem necessary, and the amount of the pension may be changed if the Commission finds that applicant's circumstances have changed.

SECTION 10. The pension, if allowed, shall commence on the date named in the certificate, which shall be the first day of the calendar month following that on which the petition was received by the Board.

SECTION 11. (*a*) If at any time during the currency or continuance of an old age pension certificate, the recipient or the wife or husband of the recipient becomes possessed of any property or income in excess of the amount allowed by law in respect to the amount of pension granted, it shall be the duty of the recipient immediately to notify the Board of the receipt and possession of any such property or income, and the Board may, on inquiry, and with the approval of the Commission, either cancel the pension or vary the amount thereof during the period of the certificate, and any excess pension paid shall be returned to the State of.....and

(Fill in State.)

be recoverable as a debt due the State of.....

(Fill in State.)

(*b*) If, on the death of any pensioner, it is found that he was possessed of property or income in excess of the amount allowed by law in respect to the amount of the pension, double the total amount of the pension in excess of that to which the recipient was by law entitled may be recovered by the Commission as a preferred claim from his estate and paid into the treasury of the State of .....

(Fill in State.)

SECTION 12. On the death of a pensioner such reasonable funeral expenses for burial shall be paid to such persons as the Board directs; provided that these expenses do not exceed one hundred ($100.00) dollars and provided further that the estate of the deceased is insufficient to defray these expenses.

SECTION 13. (*a*) While a pensioner is an inmate of any charitable, benevolent, or fraternal institution, the amount of pension shall be paid to the governing authorities of that institution and shall be applied toward defraying the actual expenses of such persons in such institution provided that the Commission has approved, and that it and its agents are permitted freely to visit and inspect said institution; and provided further that any moneys remaining after defraying such costs shall be paid to the recipient. It shall not be lawful, however, for the authorities of any charitable institution receiving public moneys to refuse admission as an inmate of such institution or to refuse relief on the ground that the person is a pensioner under this act.

(*b*) During the continuance of the pension no pensioner shall receive any other relief from the State of..... or from any political sub-division

(Fill in State.)

thereof except for medical and surgical assistance.

(*c*) If the pensioner is, on the testimony of at least three reputable witnesses, found incapable of taking care of himself or his money, the Board may direct the payment of the installments of the pension to any responsible person or corporation for his benefit. It shall be within the power of the Commission to suspend payment, for such period as the Board shall recommend.

SECTION 14. All pensions shall be absolutely inalienable by any assignment, sale, execution or otherwise, and in case of bankruptcy, the pension shall not pass through any trustees or other persons acting on behalf of creditors.

Fines, Punishments, and Criminal Procedure

SECTION 15. If at any time the Commission has reason to believe that a pension certificate has been improperly obtained, it shall cause special inquiry to be made by the Board and may suspend payment of any installment pending the inquiry. It shall also notify the Board of such suspension. If on inquiry it appears that the certificate was improperly obtained, it shall be cancelled by the Commission, but if it appears that the certificate was properly obtained, the suspended installments shall be payable in due course.

SECTION 16. Any person who by means of a willfully false statement or representation, or by impersonation, or other fraudulent device obtains, or attempts to obtain, or aids or abets any person to obtain:

(*a*) A pension certificate to which he is not entitled;

(*b*) A larger pension than that to which he is justly entitled;

(*c*) Payment of any forfeited installment grant;

(*d*) Or aids or abets in buying or in any way disposing of the property of a pensioner without the consent of the Commission; shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred ($500.00) dollars or to undergo imprisonment not exceeding one (1) year, or both, in the discretion of the court.

SECTION 17. (*a*) Any person who violates any provision of this act for which no penalty is specially provided shall be subject to a fine not exceeding five hundred ($500.00) dollars or to undergo imprisonment not exceeding one (1) year, or both, in the discretion of the court.

(*b*) Where a pensioner is convicted of an offense under this section the Commission may cancel the certificate.

SECTION 18. If any pensioner is convicted of any crime, misdemeanor, felony, or other offense, punishable by imprisonment for one (1) month or longer, the Board shall direct that payments shall not be made, during the period of imprisonment.

Funds and Expenses

SECTION 19. The funds for the payment of old age pensions shall be furnished by the State of .....
(Fill in State.)

SECTION 20. (a) All expenses incurred by the Commission in administration, investigation, and salaries shall be borne by the State of....., and the
(Fill in State.)
sum of.....thousand dollars for the next.....
(Fill in exact amount.) (Fill in number.)
years is hereby appropriated for this purpose.

(*b*) All expenses incurred by the County Boards in administration, investigation, and salaries shall be paid by the County Treasurer from the moneys of the County in the same way as other expenses of the County.

Annual Report, Hearings, Etc.

SECTION 21. Within ninety (90) days after the close of each calendar year, the Commission shall make a report for the preceding year, stating:

(*a*) The total number of recipients.

(*b*) The amount paid in cash.

(*c*) The total number of applications.

(*d*) The number granted, the number denied, the number cancelled during that year, and such other information as the Commission may deem advisable.

SECTION 22. All methods of procedure in hearings, investigations, recording, registration, and accounting pertaining to the old age pensions under this act shall be in accordance with the rules and regulations as laid down from time to time by the Commission.

SECTION 23. Every pension granted under the provision of this act shall be deemed to be granted and shall be held subject to the provisions of any amending or repealing act that may hereafter be passed and no recipient under this act shall have any claim for compensation or otherwise by reason of his pension being affected in any way by any such amending or repealing act.

SECTION 24. That wherever used in this act the masculine includes the feminine.

SECTION 25. Within ninety (90) days of the signing of this act, the Governor shall appoint the members of the Commission.

SECTION 26. This act may be cited as the Old Age Pension Act of the State of .....
(Fill in State.)

SECTION 27. All acts or parts of acts conflicting with the provisions of this act are hereby repealed.

Pensions in Alaska

Under the old age pension law of Alaska $341,717 was paid to pensioners from July 1, 1915, to December 31, 1927. In 1927, a total of $66,430 was paid to 287 aged residents.

International Labor Legislation

THE National Industrial Conference Board of New York has published a detailed study of the structure and development of the International Labor Organization.

THREE hundred and thirty-two ratifications of International Labor Conventions (covering 26 different Conventions and 32 countries) had been registered with the Secretary General of the League of Nations and officially reported to the International Labor Office by the beginning of November. Seven of these are conditional or with delayed application. The Eight Hours Convention, the very first one adopted, in 1919, has not yet been ratified, among other States, by Canada, Germany, Great Britain, Japan. It is only conditionally ratified by France and Italy. Thus six of the eight States rated as of chief industrial importance are not putting it into effect.

WORKERS' delegates at the Eleventh Conference of the official International Labour Office in Geneva agreed that **"accident prevention must first of all rest upon a good, sound, legislative basis,"** inasmuch as "it is only by legal sanctions that all workers can be secured the necessary protection against industrial accidents." At the International Labour Conference in 1929 a draft convention calling for legislation to decrease industrial accidents will be worked out.

THE proposed reforms in the labor laws of Mexico, made public by President Emilio Portes Gil, if enacted, will give Mexico uniform labor legislation throughout twenty-eight states and three territories. They will set up a National Labor Council, and will provide for compulsory insurance, a minimum wage and conciliation and arbitration. In addition, outstanding provisions provide that eight hours be instituted as the legal working day and one day's rest in seven be required; women be paid their wages three months before and one month after childbirth; there be established a national insurance institution to which all industries will be required to contribute for the establishment of a workmen's insurance fund. Other provisions prohibit child labor, establish the same wages for women and minors over sixteen doing the same work as men, forbid night employment for women, regulate schooling for minors, and deal with labor contracts. These laws strongly favor Mexican citizens; and therefore doubly raise the question as to the effect they will have on Mexican migration to the United States.

At the 1927 session in Vienna of the **International Association for Social Progress,** of which the American Association for Labor Legislation is the American section, the question of the extension of elementary school education was placed on the agenda for the 1929 meeting. In the meantime, several national sections have reported and a special International Technical Committee was appointed which met at Geneva last September, with delegates present from nine leading countries. A questionnaire was formulated, giving special attention to labor regulation and **unemployment.** The report for this country, to be prepared by outstanding authorities, is to be forwarded to international headquarters in Switzerland by the end of March, 1929.

Because of **inadequate factory inspection** and an increasing number of accidents, Belgian workers declare that inspection can only be successful when inspectors have among their ranks representatives of the workers themselves. The Belgian miners, they assert, have already done excellent work as inspectors and the recent metal-workers' Congress decided to get into touch with the Parliamentary Labour Group and to urge the drafting of a bill amending the present system of inspection so as to include workers. Leon Delsinne, director of the Belgian Labour College, thus comments on the subject in the Brussels *Peuple:* "The staff at present engaged in the inspection service is too small, and has too little contact with the labor world. The inspectors are fairly good but they certainly do regard their functions too much from the "official" standpoint. They have no interest, either direct or indirect, in the strict observance of the law; in point of fact, they may easily get into hot water if they show too much zeal. But if workers are employed as inspectors, they are not mere officials, they are also the holders of a mandate; they feel their responsibility towards those who have elected them. They will look less to the number of reports sent in, and more to the actual improvements affected. Then, too, they, and they only, can get the workers to pay heed to the protective measures in force; these are only too often neglected by those for whose sake they have been compiled." The International Federation of Trade Unions states that the need for inspection by workers is apparent in other countries, as well as in Belgium.

Information from the United States Department of Labor states that with the reported **assisted immigration** of 10,000 miners to Canada from England, the Vancouver City Council of British Columbia has decided to distribute posters throughout the prairie provinces warning all laborers from that city during the winter.

The August number of "The Future of Work," the review published in French every three months by the International Association for Social Progress contains the proceedings of the Association's Second General Assembly of Delegates, held at Vienna, September 14-17, 1927.

Book Reviews and Notes

"Justice First." By John A. Lapp. *New York, The Century Company, 1928. 185 pp.*—A group of addresses given while the author was president of the National Conference of Social Work. Interesting chapters on old age security, rehabilitation of the handicapped, justice for the immigrant, health insurance and medical care of the injured worker depict existing conditions and suggest remedial measures. To eliminate dependency, says Mr. Lapp, "the community must lead the way through wise, constructive legislation."

Proceedings of the Fifteenth Annual Meeting of the International Association of Public Employment Services (Bulletin 478 of the United States Bureau of Labor Statistics). *Washington, United States Government Printing Office, 1928. 36 pp.*—Papers presented at Detroit, October, 1927, include discussions of employment for the middle-aged man, vocational rehabilitation and the function of the federal government in a coordinated nation-wide employment service.

Machinery and Labor. By George E. Barnett, *Cambridge, The Harvard University Press, 1926. 161 pp.*—In this excellent study of the displacement of men by machinery Professor Barnett analyzes the introduction of the linotype, the stoneplaner, the semi-automatic bottle machine and the automatic bottle machine in terms of labor displacement, the policy of the trade union concerned and the hand-workers left in employment. Assuming that economic forces are working on a purely competitive basis, the author states that "the leading element in determining the displacement of skill is the amount of the disturbance, measured chiefly by the labor-displacing power of the machine and the rapidity with which it invades the trade."

Proceedings of the National Conference of Social Work. Memphis, Tennessee, May 2-9, 1928. *Chicago, The Chicago University Press, 1928. 637 pp.*—Reprints of addresses delivered by prominent leaders in social service work at the Conference's fifty-fifth annual session give up-to-date information on industrial and economic problems, health, children, administration and other topics.

Family Life Today. *Edited by* Margaret E. Rich. *Cambridge, the Riverside Press, 1928. 239 pp.*—The facts about family life as presented in papers given before the 1927 conference of the American Association for Organizing Family Social Work by scientists representing different fields of work. Four papers on the family and industry, by Paul Douglas, A. J. Muste, David Adie and Karl de Schweinitz give an interesting approach to this problem.